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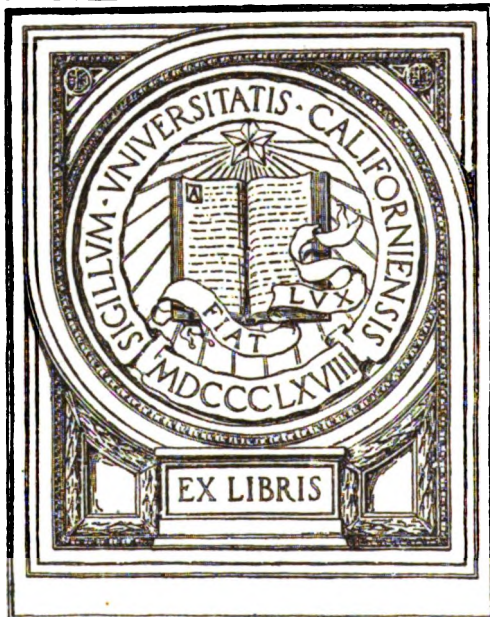
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# THE SOUTHWESTERN HISTORICAL QUARTERLY

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VOL. XVIII

JULY, 1914

No. 1

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# THE SOUTHWESTERN HISTORICAL QUARTERLY

VOL. XVIII\*

JULY, 1914

No. 1

*The publication committee and the editors disclaim responsibility for views expressed by contributors to THE QUARTERLY.*

## THE EARLY SENTIMENT FOR THE ANNEXATION OF CALIFORNIA: AN ACCOUNT OF THE GROWTH OF AMERICAN INTEREST IN CALI- FORNIA, 1835-1846

### I

ROBERT GLASS CLELAND

### FOREWORD

For a decade prior to the Mexican War, a well-defined movement for the annexation of California was developing in the United States. Various writers have given some attention to isolated incidents properly belonging to this movement, but hitherto no one has traced its growth in any systematic or connected way. To do this is the aim of the following discussion. In it, after roughly outlining the various ways in which California was first brought to the attention of the American people, I have devoted considerable space to the efforts made by Jackson, Tyler, and Polk to purchase the province from Mexico; to popular interest throughout the United States in its acquisition; and to the growth of emigration from the western states. I have considered it worth while, also, to show the effect of current rumors that one or more European nations were seeking to secure a foothold in the province; and to add a chapter on the influence of slavery upon the American program. To local affairs

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in California, I have given only so much attention as seemed necessary for a clear understanding of their relation to the movement for annexation.

Inevitably, in the treatment of a subject involving so many details, mistakes have arisen and faults can readily be pointed out. Yet I believe the account to be accurate in the main, and trust that it will shed some new light on a most interesting and important phase of westward expansion. Wherever possible I have gotten my material from manuscript sources, finding the official documents on file in the State Department; the Polk, Jackson, and Van Buren correspondence in the Library of Congress; and the Larkin correspondence in the Bancroft Collection of the University of California especially rich in this regard. Frequent use has also been made of contemporary writings of the time, whether in book, magazine, or newspaper form. These have been indicated by references throughout the text, as have also the considerable number of secondary authorities and government publications upon which I have been privileged to draw.

It would be but a poor return on my part if I made no mention of the assistance I have received in the preparation of this work. To the Chief Clerk of the State Department; to Mr. Gaillard Hunt, Chief of the Manuscripts Division of the Library of Congress; and to the authorities of the State University of California for permission to use the material of the Bancroft Collection, I am especially grateful. Two men, however, more than any others deserve my warmest thanks. These are Professor Herbert E. Bolton of the University of California, upon whose kindly interest and help I have never counted in vain; and Professor Robert M. McElroy, under whose direction this study was undertaken and whose friendship has been a constant source of inspiration.

## CHAPTER I

THE BEGINNING OF INTERCOURSE BETWEEN THE UNITED STATES  
AND CALIFORNIA, AND THE FIRST NEGOTIATIONS FOR  
THE PURCHASE OF THE PROVINCE

*The fur trade.*—The interest of the United States in California began toward the close of the eighteenth century. It was at first due almost entirely to economic causes; and, like many commercial activities of the day, centered chiefly in New England. In 1787, shortly after the opening of the Chinese-American trade by William Shaw, Robert Gray and John Kendrick, commanding the *Lady Washington* and the *Columbia*, sailed for the northwest coast of the Pacific, partly on a voyage of exploration and partly for the discovery of new fields for commercial enterprises.<sup>1</sup>

This venture though of primary interest in the history of the region around the Columbia, was also of great importance from the standpoint of California. In the first place it so aroused the jealousy of the Spanish government that the authorities of Mexico instructed those of California to seize "a ship named *Columbia* which they say belongs to General Washington of the American States," should it arrive at San Francisco.<sup>2</sup> In the second place, it was by this voyage that Gray, having found a ready market at Canton<sup>3</sup> for a few hundred sea otter skins procured from the Indians, opened up a profitable fur trade with China<sup>4</sup> in which New England merchants were eager to participate.

The arrival of one of these American fur-trading vessels at Monterey on October 29, 1795, marks the beginning of a commercial intercourse between New England and California, that, assuming various forms, continued for half a century and did

<sup>1</sup>Robert Greenhow, *History of Oregon and California* (Boston. Little and Brown. 1844), 179-181.

<sup>2</sup>Pedro Fages to Josef Argüello, May 13, 1789, in Hubert Howe Bancroft, *Works* (San Francisco. A. L. Bancroft & Co. 1882-90), XVIII, 445. See also Greenhow, 184-185.

<sup>3</sup>China was then the world's greatest fur market. For the relation of the Cantonese fur trade to the settlement of Astoria, see the letter of Astor to Adams, Jan. 4, 1823, in Greenhow, 439.

<sup>4</sup>Gray valued 100 skins at \$4,875, exclusive of freight. Gray and Ingraham to Don Juan Francisco, Aug. 3, 1792, in Greenhow, 417.

much in an indirect way to bring about the acquisition of the latter province by the United States.

In accordance with Spain's general colonial policy, the inhabitants of California were forbidden to trade or have any dealings with foreigners. But Spain lay many leagues away, and while some officials conscientiously tried to enforce the royal commands, they found the prevention of the illicit trade, for which both Americans and Californians were eager, quite impossible.<sup>5</sup> On the contrary, within a few years it had grown to a very considerable size; especially as from 1796 to 1814 the direct trade with China from the North Pacific Coast lay almost wholly in American hands.<sup>6</sup>

Much of this early fur trade, it is true, was carried on north of the California line, but the most valuable furs—those of the sea otter—were found in greatest abundance along the California coast from San Diego northward. These were sometimes obtained, as already indicated, by illicit purchase or barter from the Californians, of whom the mission authorities were the most dependable sources of supply. More often, however, they were poached along the great stretches of unfrequented shore, or from the neighboring channel islands, and at times, indeed, from the waters of the principal harbors, to the great, but helpless indignation of the Spanish authorities, who had neither skiff nor scow in which to pursue the intruders.<sup>7</sup> The skins thus obtained were carried to Canton and there exchanged for tea, lacquered ware, silks, and the various other commodities of the Chinese markets. These in turn were brought back either to the Russian settlements of Alaska or to California, where they found ready disposal; or quite as frequently they were transported direct to Europe or the United States.<sup>8</sup>

<sup>5</sup>An American navigator, writing in 1808, said that for several years trading vessels of the United States had left as much as \$25,000 in specie annually among the Californians and that the government was powerless to prevent this intercourse (Robert Shaler, in *American Register*, III, 147 *et seq.*). Money, it should be remarked, was never plentiful among the Californians, and such a sum as Shaler mentioned was of material benefit to the financial interests of the country.

<sup>6</sup>Greenhow, 266, quoting from *London Quarterly Review*, October, 1816. Bancroft, XIX, 63-64.

<sup>7</sup>For a general discussion of the Boston-California-China trade, see William Heath Davis, *Sixty Years in California* (San Francisco. A. J. Leary. 1889), 295-6. Davis came to California in 1816.

In 1803 Thomas O'Cain made a contract with the Russian Baranof to

*The whale fisheries.*—In speaking of these early commercial enterprises, it is also necessary to mention New England's interest in the whale industry, which, like the northwest trade, gave her also a first hand knowledge of California. Edmund Burke's tribute to the men of Nantucket and New Bedford was not misplaced;<sup>9</sup> and while the Revolutionary War put a temporary stop to their voyages, no sooner was peace declared than they were again "vexing strange seas" with their fisheries.

Shortly after 1800, these vessels, oily, ill-smelling, and often sadly in need of repairs, began to touch at the California ports for fresh supplies before beginning the long homeward voyage around the Horn. As the North Pacific came to furnish a more and more valuable hunting ground,<sup>10</sup> these visits increased in frequency and soon a regular trade was established with the inhabitants of Monterey and San Francisco. This was largely a system of barter, by which, in exchange for some four or five hundred dollars worth of New England manufactured goods, carried for the purpose, a returning whaler could secure sufficient fresh provisions for its journey home.

*Hide and tallow trade.*—A third form of commercial intercourse between California and the United States, more direct than the other two, was begun in 1822, after Mexico had achieved her independence.<sup>11</sup> In that year, owing chiefly to the representations of William A. Gale, a former fur trader on the northwest coast, the Boston firm of Bryant and Sturgis, with several business companions, were induced to fit out a vessel to open up a new line of trade with the Pacific, exchanging New England's abundant

hunt otter in California on shares. The Russians were to supply the Indian hunters, and the Americans agreed to transport the skins and furnish the Alaskan settlements with supplies. The venture was so profitable that other contracts of a similar nature were entered into, the agreements lasting until 1815. The Winships were prominent in these dealings. Bancroft, XIX, 63 *et seq.* For an effort of the Russian Government to secure the official sanction of the United States to this arrangement, see Greenhow, 275.

<sup>9</sup>*The Works of Edmund Burke* (Boston. Little and Brown. 1839), II, 30.

<sup>10</sup>From 1816 to 1822 the industry brought in more than \$6,000,000 to Nantucket and New Bedford alone, and employed 129 vessels. Many urged the occupancy of Oregon to supply these American vessels with a port for refitting and provisioning. *Annals of Congress*, XL, 414 *et seq.*

<sup>11</sup>Bancroft, XIX, 475.

stock of manufactures for the hides and tallow of the California cattle. From this time on, the "Boston ships," as they were called, plied regularly up and down the California coast, disposing of their cargoes in all harbors from San Diego to San Francisco, and receiving hides and tallow in return.<sup>12</sup>

*The Russian advance.*—By the end of the first quarter of the century a loose connection had thus been established with California through these various mediums of trade. In addition to this, the progress of the Russians down the coast from their settlements in Alaska had begun to attract the attention of the United States, even in an official way. As early as 1808, a warning was issued against this advance by an article in the *American Register*.<sup>13</sup> The author, Captain Robert Shaler, having been engaged in the Chinese trade some years before, had acquired an intimate knowledge of the conditions in California and of the undeveloped possibilities of the country. After describing these, he went on to point out the feebleness of the government and the ease with which it would become a prey to the attack of any hostile force, dwelling especially upon the unfortified state of the harbors. San Francisco, whose advantages were strikingly portrayed, was guarded by a battery which made only a "show of defence." At Monterey conditions were no better. Santa Barbara "would fall an easy conquest to the smallest ship of war." San Diego, with all its natural facilities, had only a "sorry" defence; while the harbors of Lower California were in an equally forlorn condition. But not only had the Spaniards failed to provide against the encroachments of their northern neighbors; they had rather, according to Shaler, made such encroachment easier by their very attempts at defensive measures, having taken "every obstacle out of the way of an invading enemy," by stocking the province with cattle and colonizing it with a discontented lot

<sup>12</sup>It should be noted that this commercial intercourse brought a number of Americans to the province as permanent residents. Many of these took out naturalization papers, became large land holders, and married wives from prominent California families. Some were of a less desirable character—deserters and broken-down sailors from the whaling and trading ships. Bancroft, XIX-XX, Appendix, *Pioneer Register and Index*.

<sup>13</sup>*American Register*, III, 136-175. The article is entitled "Journal of a voyage between China and the northwestern coast of America made in 1804." The part dealing with California is on pages 147-161. See also Bancroft, XIX, 23-24, note.

who would welcome the security and kindly treatment of a foreign government.<sup>14</sup>

Exactly how far Shaler aimed to excite an apprehension of Russia's dealings in the Pacific, and how far he desired to emphasize the desirability of California as an object for American annexation, does not appear. Probably, however, when he wrote, "The conquest of this country would be absolutely nothing; it would fall without an effort to the most inconsiderable force," he had both purposes in mind, and thus made himself the pioneer of a not inconsiderable body of later writers who advocated annexation to forestall foreign interference.

However this may be, Shaler's warning against the Russians was well founded.<sup>15</sup> The hunters of the Russian-American company had long been coming to California in search of furs; and in 1812 Baranof, the "Little Czar," succeeded in establishing a colony, to which he gave the name of Ross, not far from Bodega Bay, and some thirty miles north of San Francisco. The object of this settlement, in its commercial aspect, was not merely to secure a larger interest in the California fur trade, but to supply the parent colony of Russians at New Archangel, or Sitka, with grain and other food-stuffs which could not be produced in the bleaker north. In addition, Baranof had the more important purpose of ultimately extending the Czar's control over a large part of Upper California by means of this colony, and especially of seizing the Bay of San Francisco.<sup>16</sup>

Against this encroachment the Spanish officials protested from time to time at the bidding of their superiors, but probably with no great desire of seeing their protests effective, as the trade conducted by the Russians proved of material benefit to the province. And even had it been otherwise, there was no force in California sufficient to expel them.<sup>17</sup> Before many years, how-

<sup>14</sup>*American Register*, III, 160-161.

<sup>15</sup>California was colonized largely to protect the coast against the Russian advance. This was as early as 1769. Bancroft, XIX, 58.

<sup>16</sup>Letter of Rezánof, Feb. 15, 1806, in Bancroft, XIX, 80, note.

<sup>17</sup>For the Russian settlements in California, see Bancroft, XIX, 58-82, 294-320; Thomas C. Lancey, *Cruise of the Dale* (Published in *San José Pioneer*, 1879(?), and preserved in bound form in the Bancroft Collection), 31 *et seq.*; Agnes C. Laut, *Vikings of the Pacific* (New York. Macmillan. 1905), 292, 338; Franklin H. Tuthill, *History of California* (San Francisco, H. H. Bancroft & Co. 1866), 118-20; Irving B. Rich-

ever, the presence of the Russians in California began to excite comment in the United States and to receive a certain amount of official attention. On November 11, 1818, J. B. Prevost, a special commissioner of the United States government to the Pacific Coast, wrote from "Monte Rey, New California," that the Spanish authority was threatened by the Russian Czar whose colony had already been planted close to San Francisco, a harbor that, ranking among "the most convenient, extensive and safe" ports of the world, was nevertheless "wholly without defense and in the neighborhood of a feeble, diffused and disaffected population."<sup>18</sup>

In the following year a rumor spread that Spain had ceded to Russia a strip of territory on the Pacific Coast 800 miles long, in return for assistance furnished in the expeditions against the revolutionists of Lima and Buenos Ayres.<sup>19</sup> In the *St. Louis Enquirer* an unknown writer (perhaps Senator Benton) issued a warning against the "*Progress of the Russian Empire.*" well calculated to arouse the apprehension of those to whom Russia, as a member of the Holy Alliance and a rival in the northwest trade, was already an object of sufficient distrust.

"Looking to the east for everything," said the article, "Americans have failed to notice the advance of the Russians on the Pacific Coast until they have succeeded in pushing their settlements as far south as Bodega. Their policy is merely the extension of the policy of Peter the Great and Catherine. Alexander is occupied with a scheme worthy of his vast ambition. . . . The acquisition of the gulf and peninsula of California and the Spanish claim to North America. . . . We learn this not from diplomatic correspondence, but from American fur traders who learn it from the Russian traders now protected by the Emperor in carrying off our furs!"<sup>20</sup> How strong an influence these public

man. *California under Spain and Mexico* (Boston and New York. Houghton, Mifflin Company. 1911), 191-201, *passim*.

<sup>18</sup>Prevost to Adams, in *Documents transmitted to the House of Representatives*, Jan. 24, 1823. *American State Papers, Miscellaneous*, II, 1008-9; *Annals of Congress*, XL, 1209-10.

<sup>19</sup>News brought to Canton by a Russian frigate. *Cruise of the Dale*, 31; reported also in *Niles' Register*, XVI, 237, May 29, 1819; XVII, 232, Dec. 11, 1819.

<sup>20</sup>Reprinted in *Niles' Register*, XVI, 361, July 24, 1819.

rumors and Prevost's official report exerted upon the enunciation of the Monroe Doctrine in 1823 has not yet been accurately determined, but it is certain that the Russian colony at Ross lent color to the fear of a much farther advance to the south; and served also as a strong argument for the establishment of American settlements in Oregon.<sup>21</sup>

*Beginning of overland immigration.*—Thus by degrees the far off Spanish province on the Pacific was brought to the attention of the American people not merely through the agency of commerce, but, in an equally effective way, through the danger to which it was exposed of passing into the hands of a powerful European nation. A third agency, beginning somewhat later than either of those just named, but operating in a similar manner, was the overland communication with California established by hunters and trappers, and the subsequent immigration that naturally followed from the Western states.

*Jedediah Smith.*—Two of these early journeys deserve special attention. In August, 1826, Jedediah S. Smith, a native of Connecticut,<sup>22</sup> who had been for some years associated with Ashley in the fur trade and was at this time a partner in the Rocky Mountain Fur Company, left the company's post near the Great Salt Lake and after four months' travel reached San Diego with his band of fifteen men. Here Smith was arrested by the California authorities, who demanded passports, in accordance with the Mexican law, from all strangers. His imprisonment did not last long, however, as he soon found a sponsor for his good behavior in an American sea captain by the name of Cunningham, whose ship, the *Courier*, chanced to be in the harbor.

Upon his release, Smith, in spite of the commands of the San Diego authorities that he leave the province, seems to have wandered pretty much as he pleased through the Sacramento and San Joaquin Valleys, being prevented from crossing the Sierra

<sup>21</sup>Report of the Committee on the Occupation of the Columbia River, Jan. 25, 1821. *Annals of Congress*, XXXVII, 955-6. The report mentioned the military defences of Ross, the dominating position of Russia in Europe and Asia; and called attention to the fact that Spain's territory in North America lay wholly open to the access of Russia and was exposed to her "fearful weight of power."

<sup>22</sup>Hiram Martin Chittenden, *The American Fur Trade of the Far West* (New York. Harper. 1902), I, 252.

Nevadas by heavy snows and the loss of his animals. Late in May, 1827, however, leaving all but two of his companions, he made the difficult passage of the mountains and reached the Great Salt Lake in a destitute condition.<sup>23</sup> In the fall of that year, Smith was again in California, bringing with him a second company of eighteen men, to the rather indignant surprise of the Californians, who, however, while insisting that he leave the country, did not seriously molest him. After remaining for some time, the American intruders continued their journey northward to Oregon where they were attacked by Indians. Many of the company were killed and all the furs lost, but Smith and those of his companions who escaped, made their way to Vancouver, where they obtained assistance from the agents of the Hudson's Bay Company. Two years later this pioneer of California explorers was killed in New Mexico.<sup>24</sup>

*The Pattie expedition.*—Two years after Smith's arrest in San Diego, a second party of Americans, eight in number, with Sylvester and James Ohio Pattie as leaders, having been found in Lower California without passports, were brought before the Mexican governor, Echeandia, and thrown into prison on the charge of being spies of old Spain. The two Patties, father and son, were Kentuckians who had gradually pushed farther and farther west until they reached New Mexico and Arizona where for some years they were alternately miners and trappers. In was on one of their trapping expeditions down the Colorado that they attempted to cross the desert to the Spanish settlements on the coast, succeeding only after the most distressing and unprintable hardships.

Their reception by the Californians has been noted; nor were they so fortunate as Smith had been in securing a swift release. On the contrary, their prison experience was bitter in the extreme,

<sup>23</sup>Letter of Smith to General Clark published in the *Missouri Republic*, October 11, 1827. Communication from Cunningham announcing Smith's arrival at San Diego, *Ibid.*, Oct. 25, 1827.

<sup>24</sup>No two authorities agree in the account of Smith's adventures. The following, however, are probably the most reliable: Chittenden, *Fur Trade*, I, 282-7; J. M. Guinn, *Captain Jedediah Smith* (Historical Society of Southern California Publications, III, 1896, 45-53). Baneroft (XX, 152-160) bases his account on fragmentary records in the California archives and on a French translation there of the letter from Smith to General Clark cited above.

if we may judge from the younger Pattie's account. Sylvester Pattie died in his cell unattended by his son, who was forbidden to visit his father, and all the prisoners were treated with great severity. Eventually, however, they were released on condition that Pattie should vaccinate the mission Indians, who were dying in great numbers from an epidemic of smallpox. In fulfillment of this agreement Pattie journeyed as far north as San Francisco, and later reached the Russian settlement of Ross. Finally, quitting California, he returned home by way of Mexico, where he vainly hoped to secure an indemnity,<sup>25</sup> and reached Kentucky, a broken and ruined man. The experiences which he underwent, as well as some which he probably did not undergo, were shortly afterwards published under the supervision of Timothy Flint of Cincinnati.<sup>26</sup>

The bitter and oftentimes extravagant criticism of the Californians by the writer was well calculated to arouse a prejudice against them, but for the country itself he had only praise. "Those who traverse it," he wrote, "if they have any capability of perceiving and admiring the beautiful and sublime in scenery, must be constantly excited to wonder and praise. It is no less remarkable for uniting the advantage of healthfulness, a good soil, temperate climate and yet one of exceeding mildness, a happy mixture of level and elevated ground and vicinity to the sea."<sup>27</sup>

*Results of the Smith and Pattie expeditions.*—The arrival of Smith and the two Patties in California marked a new chapter in the relations of that country and the United States. Follow-

<sup>25</sup>The American chargé d'affaires at Mexico was directed to investigate the arrest of the Pattie Company. He reported that all the prisoners had been freed except Sylvester Pattie, who died in prison; that several of the Americans had remained in California to go into business; and that the younger Pattie was then on his way to the United States. Van Buren to Butler, Jan. 22, 1830; Butler to Van Buren, June 29, 1830. MSS., State Department.

<sup>26</sup>The title of the book is in itself a comprehensive history of Pattie's entire wanderings. We may be forgiven for writing it simply, James Ohio Pattie, *Personal Narrative* (Edited by Timothy Flint. Cincinnati. 1833). A reprint appears in Reuben G. Thwaites, *Early Western Travels* (Cleveland. Arthur H. Clark Company. 1905), XVIII. A plagiarized edition under the title "*The long hunters of Kentucky*," by P. Bilson, was published in New York in 1847.

<sup>27</sup>Thwaites, *Early Western Travels*, XVIII, 306.

ing them in a surprisingly short time<sup>28</sup> came other bands of trappers under such leaders as Young, Jackson, Wolfskill, Walker, and many others whose names are not known and who left no record of their journeys.<sup>29</sup> Not infrequently members of these early parties gave up their wanderings and became influential and peaceful citizens, while others were a constant menace to the California authorities. As for the rest, coming and going with the seasons, rough, careless of life, contemptuous of law, they wandered up and down the great inland valleys and rivers of California; or by frequent crossing of the Sierras prepared the way for the subsequent flow of immigration.

"One sees in his pages," says Thwaites in referring to Pattie's narrative,

the beginnings of the drama to be fought out in the Mexican war—the rich and beautiful country which excited the cupidity of the American pioneer; the indolence and effeminacy of the inhabitants which inspired the backwoodsman's contempt; and the vanguard of the American advance, already touching the Rockies and ready to push on to the Pacific. . . . As a part of the vanguard of the American host that was to crowd the Mexican from the fair province of his domain, Pattie's wanderings are typical and suggestive of more than mere adventure.<sup>30</sup>

*Butler's negotiations.*—In these three ways, therefore, first, by commercial intercourse, then through fear of the Russian advance, and lastly by the opening up of the overland routes of communication, California gradually became more than a passing name to the people of the United States.<sup>31</sup> It was not, however, until 1835 that this government, influenced largely by the representa-

<sup>28</sup>Many of the parties were organized in 1830 and 1831. Bancroft, XX, 384-9.

<sup>29</sup>The reason for this is obvious—the trade was against the Mexican law; and in addition those engaged in it were not often given to recording their own adventures.

<sup>30</sup>Preface to Pattie's *Narrative*, 19.

<sup>31</sup>The first of these centered, as has been shown, in New England; the second concerned the whole country; the third was of primary interest to the west. This division held good until the outbreak of the Mexican War. A fourth cause of increased interest in California during this early period was the agitation of the Oregon question by Benton, Linn, and a small, but persistent, coterie of western senators and representatives. Anything attracting attention to any part of the Pacific coast served indirectly to attract attention to California.

tions of commercial interests, made its first attempt to secure the harbor of San Francisco.<sup>32</sup>

This early negotiation for the purchase of California was closely interwoven with the contemporaneous negotiation for the acquisition of Texas, forming indeed, simply a minor part of the larger project. Anthony Butler, a man eminently unqualified for any position of trust, was sent to Mexico in 1829 to carry out a scheme for the purchase of Texas which he himself had probably suggested,<sup>33</sup> succeeding Joel R. Poinsett, the American minister who was recalled at the request of the Mexican government. For six years Butler was left free to work his will, so far as he was able, with the Mexican officials, and to discredit both himself and his government.

From the first, Butler's communications to the State Department began to hint at bribery as the best means of accomplishing his purpose, and soon were openly advocating it.<sup>34</sup> Early in June,

<sup>32</sup>The statement is not infrequently made that the purchase of California was attempted by Clay when Secretary of State under Adams. See, for example, *Niles' Register*, LXVIII, 211; speech of Charles J. Ingersoll, Jan. 19, 1847. *Appendix to Congressional Globe*, 29 Cong., 2 sess., 128; Bancroft, XIII, 322-323. Whoever may have written this volume of Bancroft could scarcely have known the contents of volume XX, 399-400, of the same series, or of *H. Ex. Docs.*, 25 Cong., 1 sess., No. 42, which he cites as authority. The boundaries for which Poinsett was instructed to negotiate included no territory west of the Colorado south of the 42d parallel. Clay to Poinsett, March 25, 1825. *H. Ex. Docs.*, 25 Cong., 1 sess., No. 42, p. 6; same to same, March 15, 1827, *Ibid.*, 9. See also *Memoirs of John Quincy Adams with portions of his diary from 1795 to 1848*, edited by C. F. Adams (Philadelphia. Lippincott. 1877), XI, 349.

<sup>33</sup>The plan, dated August 12, 1829, is in the Van Buren MSS., Library of Congress; see also Jackson to Van Buren, Aug. 12 (*Ibid.*), and Jackson's draft of Aug. 13. According to Reeves, the official instructions, dated Aug. 25, were carried by Butler to Poinsett. Jesse S. Reeves, *American Diplomacy under Tyler and Polk* (Baltimore. The Johns Hopkins Press. 1907), 65-67. For a complete estimate of Butler and his career in Mexico, the reader is referred to George Lockhart Rives, the *United States and Mexico, 1821-1848* (New York. Charles Scribner's Sons. 1913), I, 235-261. It is perhaps well to add that the present article was in manuscript before Rives's exhaustive work was issued from the press. I have not been able, therefore, to avail myself of its contents as freely as I could have wished.

<sup>34</sup>Butler has suggested to a Mexican official that the United States is capable of "devising ways and means" of relieving the embarrassment of the treasury (Butler to Jackson, Feb. 23, 1832, Jackson MSS., Library of Congress); Jackson thinks Butler's suggestion "judicious" and one that may "lead to happy results" (Jackson to Butler, April 19, *Ibid.*). Butler believes the use of half a million dollars to put certain personages in the "right humor" will bring speedy conclusion of the treaty (Butler to

1834, he asked to return to the United States on the ground that a personal interview with the President was highly important, and that after it he could return to Mexico to be much more useful to his government.<sup>35</sup> Having finally secured Jackson's consent to his request, Butler landed in New York in the early part of June, 1835, with a still more extensive scheme of bribery in his head than any he had so far suggested, and in his pocket a note signed by Hernández, a priest standing close to Santa Anna.

On June 17 the returned Minister addressed a letter to the Secretary of State, John Forsyth, and enclosed the note from the Mexican priest. In this Hernández had promised to bring about a cession of the desired territory provided \$500,000 were placed at his disposal "to be judiciously applied."<sup>36</sup> In the accompanying letter Butler assured Forsyth that the plan, if followed, would result not merely in the acquisition of Texas but eventually in the dominion of the United States "over the whole of that tract of territory known as New Mexico, and higher and lower California, an empire in itself, a paradise in climate . . . rich in minerals and affording a water route to the Pacific through the Arkansas and Colorado rivers."<sup>37</sup>

This letter met with cool response from the President.<sup>38</sup> Nevertheless, after an interview with Butler he allowed him, at his earn-

Jackson, Oct. 28, 1833, *Ibid.*); Jackson warns Butler against employing corrupt means (Jackson to Butler, Nov. 27, *Ibid.*); Butler insists that "resort must be had to bribery," or "presents if the term is more appropriate" (Butler to Jackson, Feb. 6, 1834, *Ibid.*). Later Butler writes McLane that "bribery and corruption" are the sole means of bringing the negotiation to a successful issue. (Butler to McLane, MS., State Department.) Some of these letters are mentioned by Rives.

<sup>35</sup>Butler to Jackson, June 6, 1834. Jackson MSS.; same to same, Oct. 20 (*Ibid.*). It is interesting to note that Butler thought his negotiations for Texas had been thwarted by Stephen F. Austin whom he charged in a letter to McLane with being "one of the bitterest foes to our government and people that is to be found in Mexico." Butler to McLane, July 13, 1834. MS., State Department.

<sup>36</sup>Butler to Forsyth, June 17, 1835 (MS., State Department). See also Rives, as cited, I, 257-258.

<sup>37</sup>Butler to Forsyth, June 17 (quoted also in Reeves, 73-74).

<sup>38</sup>It is endorsed, " . . . Nothing will be countenanced to bring the government under the remotest imputation of being engaged in corruption or bribery . . . A. J." See also Adams, *Memoirs*, XI, 348; and Rives, I, 258.

est solicitation, to return to his post in Mexico.<sup>39</sup> Before Butler left, however, the suggestion he had thrown out with regard to "higher California" received additional impulse from another source. On August 1, William A. Slacum, a purser in the United States Navy, wrote a letter to the President which, according to Adams, "kindled the passion of Andrew Jackson for the thirty-seventh line of latitude from the river Arkansas to the South Sea, to include the river and bay of San Francisco, and was the foundation of Forsyth's instruction to Butler of 6 August, 1835."<sup>40</sup>

These instructions mentioned by Adams give the first official attempt of the United States to secure from Mexico any part of her territory on the Pacific. The chief object, as expressed by Forsyth, was to obtain possession of San Francisco Bay which had been "represented to the President"<sup>41</sup> as "a most desirable place of resort for our numerous vessels engaged in the whaling business in the Pacific, far superior to any to which they now have access."<sup>42</sup> No definite sum which Butler was authorized to offer was specified in the dispatch, but Adams places it as \$500,000.<sup>43</sup> It should also be noted that Forsyth expressly disclaimed any desire to secure territory south of San Francisco.<sup>44</sup>

\*It may be added that Butler's presence there was desired neither by Mexicans nor American residents. John Baldwin to Forsyth, Vera Cruz, Nov. 14, 1835. MS., State Department. Miscellaneous Letters.

<sup>39</sup>Adams, *Memoirs*, XI, 348. The name of the writer here is given as Slocum, but this is plainly an error. This particular letter unfortunately has disappeared from the files of the State Department where Adams saw it in 1843, but from the correspondence still on record there can be no doubt that the name Slacum is correct. See Forsyth to Ellis (mentioning Slacum's name), April 14, 1836; Ellis to Monasterio, March 8, 1836; &c., &c.; also Slacum's *Report in Reports of Committees*, 25 Cong., 3 sess., No. 101, pp. 29-45. Slacum, we learn from the documents cited, was made a special agent of the government to the Pacific coast to investigate conditions there, and especially the progress of the Russians and of the Hudson's Bay Company.

<sup>40</sup>Perhaps by Slacum, yet Adams's testimony regarding the powerful influence of Slacum's letter of Aug. 1st is somewhat weakened by the fact that Jackson had instructed Forsyth to enlarge the scope of Butler's negotiations as early as July 25. *Memoirs*, XI, 361-362.

<sup>41</sup>*H. Ex. Docs.*, 25 Cong., 1 sess., No. 42, pages 18-19.

<sup>42</sup>Adams, *Memoirs*, XI, 348.

<sup>43</sup>"We have no desire to interfere with the actual settlements of Mexico on that coast and you may agree to any provision affecting the great object of securing the bay of San Francisco and excluding Monterey and

The proposition thus entrusted to Butler was doubtless never submitted to the Mexican government. On December 27, Butler wrote the Department that it would be useless to push the negotiations at that time, though there was a chance of securing certain commercial privileges for American vessels at San Francisco.<sup>45</sup> A few months later he received notice of his recall,<sup>46</sup> and shortly afterwards left Mexico, carrying off "some of the most important papers of the negotiation."<sup>47</sup>

Indeed, Butler's whole course was one of consistent dishonor. The most surprising part of it, however, was the ease with which he continually hoodwinked and misled his own government; and after reading his correspondence one is freely willing to agree with Adams, that "for six long years he was mystifying Jackson with the positive assurance that he was within a hair's breadth of the object and sure of success, while Jackson was all the time wriggling along and snapping at the bait, like a mackerel after a red rag."<sup>48</sup> It may be further added that Jackson's estimate of Butler was even lower than that of Adams. An endorsement on Butler's letter of March 7, 1834, declared him a "scamp," and when, in 1843, Butler charged Jackson with consenting to his schemes of bribery, the venerable ex-President wrote another endorsement pronouncing him a "liar," in whom there was "neither truth, justice, or gratitude," and whose whole accusation was "a tissue of falsehood and false colourings."<sup>49</sup>

*Jackson's later attempts.*—After Butler's summary dismissal nothing apparently was done toward carrying out the instructions

the territory in its immediate neighborhood . . ." Forsyth to Butler, as cited.

"Butler to Forsyth (MS., State Department).

"Same to same, Jan. 15, 1836, *Ibid.* Butler claimed that his prospects for bringing the negotiation to a close were exceedingly favorable when cut short by his recall.

"Adams, *Memoirs*, XI, 349. The statement of Adams is corroborated by a letter of Asbury Dickens, Acting Secretary of State, to Butler's successor, and by one of Butler's own letters to Jackson. Dickens to Powhatan Ellis, Aug. 19, 1836. MS., State Department; Butler to Jackson, July 28, 1843. Jackson MSS.

"Adams, *Memoirs*, XI, 368.

"Endorsement by Jackson on the back of Butler's letter of July 28, 1843. Butler in this letter also stated that Jackson had promised him the governorship of Texas if he procured its annexation. This Jackson hotly denied in his endorsement.

contained in Forsyth's despatch of August 6. But Jackson before his administration closed made two further tentative efforts to secure California. About the middle of January, 1837,<sup>50</sup> Santa Anna arrived in Washington, after his liberation by General Houston, to request the mediation of the United States between Texas and Mexico.<sup>51</sup> In expectation of his request, or after it was definitely made, Jackson had drawn up the general terms upon which this government would assume the undertaking. That which concerns us, reads as follows:

If Mexico will extend the line of the U. States to the Rio Grand—up that stream to latitude 38 north and then to the pacific including north calafornia we might instruct our minister to give them three millions and a half of dollars and deal then as it respected Texas as a magnanimous nation ought—to wit (?)—in the treaty with Mexico secure the Texians in all their just and legal rights and stipulate to admit them into the United States as one of the Union.<sup>52</sup>

At the time that Jackson was making this proposal to Santa Anna he was also urging upon W. H. Wharton, the Texan Minister at Washington, the necessity of including California within the limits of Texas in order to reconcile the commercial interests of the north and east to annexation by giving them a harbor on the Pacific. "He is very earnest and anxious on this point of claiming the Californias," wrote Wharton to Rusk in reporting Jackson's suggestion, "and says we must not consent to less. This is in strict confidence. Glory to God in the highest!"<sup>53</sup>

<sup>50</sup>Wharton to Austin, Jan. 17, 1837. Garrison, *Diplomatic Correspondence of the Republic of Texas*, I, 176-177, in *American Historical Association Report*, 1907, II.

<sup>51</sup>Thomas Maitland Marshall, "The southern boundary of Texas 1821-1840," in *THE QUARTERLY*, XIV, 285.

<sup>52</sup>Rough draft in Jackson's hand on single sheet, unsigned and undated. Jackson MSS. of the year 1836.

<sup>53</sup>Wharton to Rusk, Jan. 24, 1837. Garrison, *Dip. Cor. Texas*, I, 193-194; also Marshall, as cited. The extension of the Texas boundaries to the Pacific along the 30th parallel had been considered by the Texan government and rejected, chiefly because the territory was too large and thinly populated for government by a "young Republic." This decision had been reported to Jackson before he urged upon Wharton the necessity of including California as a means of reconciling the north. Report of Jackson's special agent, Henry Morfit, to the President. *H. Ex. Docs.*, 24 Cong., 2 sess., No. 35, pages 11-12.

## CHAPTER II

THE GROWTH OF INTEREST DURING THE VAN BUREN AND TYLER  
ADMINISTRATIONS

During Van Buren's administration no official action toward the acquisition of California was attempted. The straitened condition of the treasury precluded any idea of purchase, even had Mexico manifested a willingness to sell; while the strained relations existing between the two nations throughout the greater part of this period served as an equally effective barrier.<sup>1</sup> Nevertheless the affairs of the distant Mexican province were more than once brought to the attention of the United States and interest in its resources and ultimate destiny grew with every passing year.

*Rebellion of 1836.*—The first of these local events to attract attention was the revolution begun in the fall of 1836 by several of the prominent native Californians against the Mexican governor, Nicolás Gutiérrez. Without great difficulty the leaders<sup>2</sup> in this movement accomplished their purpose, and after shipping Gutiérrez back to Mexico, placed one of their own number, Juan B. Alvarado, in the governor's chair.<sup>3</sup>

The success of this rebellion against Mexican authority was significant for two reasons. In the first place it was made possible largely through the aid furnished by a company of foreigners,

<sup>1</sup>Powhatan Ellis, the American chargé d'affaires to Mexico, had demanded his passports in December, 1836, following Mexico's failure to adjust the claims of American citizens, and for three years the United States was without a representative at Mexico (*Reeves, Diplomacy under Tyler and Polk, etc.*, 76). The chief source of difficulty between the two nations were the recognition of Texan independence by the United States on the one hand; and the long continued refusal of Mexico to settle the American claims on the other.

<sup>2</sup>The leaders in this revolution were Juan B. Alvarado, inspector of the Monterey custom house, holder of certain civil offices and a man of great popularity; José Castro, governor of California preceding Gutiérrez; and Mariano G. Vallejo, who, though taking no active part, lent the weight of his powerful influence to the other leaders. Bancroft, XX, 445-447, *passim*.

<sup>3</sup>The authorities for the revolution of 1836 are numerous. The foregoing account has been taken chiefly from Bancroft, XX, 445-578; Franklin Tuthill, *The History of California*, 141-145; and various works of less importance. Full citation of all authorities on the subject are given in Bancroft.

mostly American trappers, led by Isaac Graham, a Tennessean of the typical border ruffian type. And in the second place it gave promise for a time of assuming the characteristics and proportions of the Texas movement for independence.<sup>4</sup> But as the California leaders probably had no very great desire for actual separation from Mexico, its net result was merely the substitution of a native governor for one of Mexican appointment.

Exaggerated rumors of this disturbance soon began to circulate throughout the United States, and it was even reported to the State Department that California, having declared her independence, was on the eve of asking the protection of the Russians at Bodega—an event which would mean, said the writer, the United States consul at the Sandwich Islands, the unification of the Russians and Californians and the extension of the Czar's power from the Bay of San Francisco to the Columbia River.<sup>5</sup>

*Kelley's Memoir.*—During the administration of Van Buren the question of the occupation of Oregon came also to be of critical importance;<sup>6</sup> and, as a natural consequence, California received a certain amount of the nation's interest. In a supplemental report on the Oregon territory submitted to Congress, February 16, 1839, by the committee of foreign affairs, many of the documents contained references to California. While one of them, a memoir by Hall J. Kelley, the eccentric emigration enthusiast of Massachusetts, devoted more than half its space to a description of that country. "I extend my remarks to this part of California," from San Francisco northward, wrote Kelley in explanation, "because it has been and may again be, made the subject of conference and negotiation between Mexico and the United States; and because its future addition to our western possessions is most unquestionably a matter to be desired."<sup>7</sup>

<sup>4</sup>According to Tuthill a lone star flag was prepared, but the Californians were either afraid to substitute it for the Mexican emblem or did not care to do so. Tuthill, 142-143.

<sup>5</sup>United States consul, Sandwich Islands, to the Secretary of State, *Semi-annual report*, March 12, 1837 (Thomas Savage, *Documentos para la historia de California*, II, 174-176. MS., Bancroft Collection, University of California Library). The greater part of this report was devoted to a description of California.

<sup>6</sup>Greenhow, 375-376, and United States government documents there cited.

<sup>7</sup>*Committee Reports*, 25 Cong., 3 sess., No. 101, p. 48. Kelley's com-

*Affairs between 1836-1840.*—It cannot be said, however, in spite of such efforts as those put forth by Kelley, that the years between 1836 and 1840 were distinguished by any marked increase of immigration from the United States into California.<sup>8</sup> The early traffic along the coast in furs had materially decreased; and even inland, the business was becoming less remunerative. Yet the great interior valleys still offered lucrative fields for the roving bands of American, English, and French trappers who, when not engaged in their ordinary trade, frequently made additional profit by driving off the horses of the Californians, or by joining thieving expeditions sent out by the Indians for the same purpose.<sup>9</sup> The hide and tallow trade likewise continued to flourish,<sup>10</sup> and remained so completely a monopoly of the New England merchants, so far at least as Americans were concerned,<sup>11</sup> that, on the coast, Boston and the United States became synonymous terms.<sup>12</sup> An occasional vessel from the government's South Pacific squadron touched at California ports;<sup>13</sup> a trade in cattle between Oregon and the region around San Francisco served to bring these two territories into closer relationships;<sup>14</sup> the publication of various

plete memoir, addressed to Caleb Cushing, is on pp. 3-61; his description of California occupies pp. 48-53.

<sup>8</sup>Bancroft, XXI, 117. The number of foreign adults residing in California at this time is placed at 380.

<sup>9</sup>John Bidwell, *California in 1841-8*. MS., Bancroft Collection, 99.

<sup>10</sup>The vessels engaged in this trade, usually of four or five hundred tons burden, with cargoes of shoes, hats, furniture, farming implements, chinaware, iron, hardware, crockery, etc., valued at forty or fifty thousand dollars in California, spent usually three years each on the coast before returning to New England. They sold largely on credit, evaded the Mexican tariff laws by paying five or six hundred dollars for the privilege of selling goods from place to place, and received from the Californians instead of money, hides, tallow, dried beef, lumber, and soap. See Thomas O. Larkin, *Description of California*, 99, in his *Official Correspondence*, Bancroft Collection; same to Secretary of State, Jan. 1, 1845, *Ibid.*, Pt. II, No. 16.

<sup>11</sup>Yet see *Niles' Register*, LVIII, 356, for a St. Louis owned vessel engaged in this trade.

<sup>12</sup>Richard Henry Dana, Jr., *Two Years before the Mast* (Boston. 1869), 169.

<sup>13</sup>The U. S. S. *Peacock* arrived at Monterey in October, 1836, having been requested to visit the California coast because of the disturbances arising from the revolt of that year. The American merchants of the Sandwich Islands who had large interests at stake in California were the principal petitioners. Bancroft, XXI, 140-2.

<sup>14</sup>*Ibid.*, 85-87; Slacum's *Report*, 39.

books upon California's resources and political condition tended to attract the attention of the outside world;<sup>15</sup> and, finally, the coming of John A. Sutter in 1839 and the establishment of his fort at New Helvetia, the present site of the capital of the State, saved the period under discussion from being by any means barren of results for the American interests.

Neither should the reflexive influence of the events in Texas be omitted in this connection. We have already mentioned the revolution in 1836 and the reports that California was preparing to follow the steps of her sister province. The American mind, especially in the west, had never a high conception of the Mexican people; the ease with which Texas won her independence and the senseless atrocities of the Mexican soldiers had served to increase this feeling to a considerable extent; and restless spirits were already advocating a re-enactment of the scenes of Texas in California. Immigration, however, had not furnished sufficient Americans for carrying out such a program, but it was freely prophesied that these would shortly come.

"To such men as the Back-settlers distance is of little moment," wrote Alexander Forbes in 1838,

and they are already acquainted with the route. The north American tide of population must roll on southward, and overwhelm not only California but other more important states. This latter event, however, is in the womb of time; but the invasion of California by American settlers is daily talked of; and if Santa Anna had prevailed against Texas a portion of its inhabitants sufficient to overrun California would now have been its masters.<sup>16</sup>

*The Graham affair.*—So common had become these rumors by 1840 that in April of that year nearly a hundred<sup>17</sup> English and

<sup>15</sup>The most representative books of this period were Dana's *Two Years before the Mast*, and Alexander Forbes's *California: A history of Upper and Lower California* (London. Smith, Elder and Company. 1839). For a review of this latter work and the interest it aroused see *Niles' Register*, LVIII, 70. Numerous other books were written by travelers who visited California during this period, but as they were not published until later no mention is made of them in this place.

<sup>16</sup>Forbes, *History of California*, 152.

<sup>17</sup>Larkin to Secretary of State, April 20, 1844—one hundred arrested; fifty sent in irons to San Blas, thence overland to Tepic. Larkin, *Official Correspondence*, Pt. II, No. 6.

American residents in California, who were without passports, were suddenly arrested for engaging in a plot to overthrow the government and declare the country independent of Mexican control.<sup>18</sup> Chief of these so-called conspirators was Isaac Graham, whose name has already been mentioned in connection with the revolt of the Californians four years before.

Graham and some fifty of his companions, after undergoing a farcical trial at Santa Barbara and some pretty severe treatment at the hands of the California officials, were shipped down the coast and thence to Tepic. Here the English consul, Barron, and Alexander Forbes secured the release of most of the prisoners and a speedy trial for the remainder, which resulted in their acquittal. Some received immediate indemnity for their losses and ill-treatment; others returned to California to secure legal evidence against the government, being aided in this by a vessel of the United States navy.<sup>19</sup>

The illegal arrest of such a large number of American citizens naturally excited some comment in the United States. Powhatan Ellis, who had returned as Minister to Mexico in 1839, was instructed to demand satisfaction for the treatment accorded his countrymen and their immediate release if still in captivity.<sup>20</sup>

<sup>18</sup>Commandancia General de California al E. S. Ministro de Guerra y Marina (Mexico), April 25, 1840. In this communication the chief object of the conspirators was said to be control of the whole stretch of territory around San Francisco Bay. M. G. Vallejo, *Documentos para la historia de California*, IX, No. 124. MSS., Bancroft Collection. See also Nos. 108, 110-111, *Ibid.*; Bancroft. XXI. 11-14, and authorities cited; Alfred Robinson, *Life in California* (New York. Wiley & Putnam. 1846), 180-184.

<sup>19</sup>Albert J. Morris, *Diary of a Crazy Man, or An Account of the Graham Affair of 1840* (MS., Bancroft Collection). Morris was one of the English prisoners, employed in a distillery at the time of his arrest, by Graham. His picture of the sufferings endured at the hands of the California officials is very vivid and probably but little exaggerated. Most of those arrested, however, were insolent, overbearing, and an altogether undesirable class of citizens. See, also, Bancroft, XXI. 1-41; Thomas Jefferson Farnham, *Life and Adventures in California and Scenes in the Pacific Ocean* (New York. W. H. Graham. 1846), 70 et seq. Farnham followed the prisoners from Monterey to Santa Barbara and later to Tepic. His account, however, is too biased to be relied upon. Tuthill, *History of California*, 145-147.

<sup>20</sup>Forsyth to Ellis, Aug. 21, 1840; same to same, July 1, 1841. MSS., State Department.

It should also be noted that this event first called the official attention of the British government to California. See Ephraim Douglass

Reports of the affair soon found their way into print and for a long time served as proof positive for American readers of the cruelty of the Californians.<sup>21</sup> Later, also, the non-payment of indemnity by Mexico was made the subject of official protest;<sup>22</sup> while several years afterwards, Polk was assured by his confidential agent that no claim or demand so strong as that of the Graham prisoners could be brought against Mexico to secure a cession of California.<sup>23</sup>

As a further result of these arbitrary proceedings against foreigners, a petition was drawn up by the merchants of the California coast, many of whom, however, had little use for Graham and those of his ilk,<sup>24</sup> praying that a United States ship might be stationed permanently in California waters because of the insecurity of property, arbitrariness of the authorities, and mockery of justice prevailing in the province.<sup>25</sup> This request met with prompt recognition from the Secretary of the Navy, Abel P. Upshur, who on December 4, 1841 announced in his annual report to Congress that the protection of American interests in California demanded an increase of the government's naval force in the Pacific, and shortly afterwards despatched Commodore Ap Catesby Jones to take command of the enlarged squadron.<sup>26</sup>

Adams, *British Interests and Activities in Texas, 1838-1846* (Baltimore. The Johns Hopkins Press. 1910), 236-237.

<sup>21</sup>*Niles' Register*, LVIII, 371. Farnham's account was especially bitter against the Californians. Earlier editions of this book, under various titles, were published in 1841-3-4.

<sup>22</sup>Thompson to Bocanegra, Dec. 31, 1843. MS., State Department. Mexico afterwards paid part of this. Thompson to Secretary of State, February 2, 1844. *Ibid.*

<sup>23</sup>Larkin to Secretary of State, June 15, 1846. Larkin, *Official Correspondence*, Pt. II, No. 47.

<sup>24</sup>Bancroft, XXI, 7-8, and notes.

<sup>25</sup>MS., State Department, Mexico, 1840, No. 10.

<sup>26</sup>Report of the Secretary of the Navy. *Senate Docs.*, 27 Cong., 1 sess., I, No. 1, pp. 368-369. Upshur dwelt at considerable length upon the Graham affair, spoke of the increased immigration to California, and said that the insecurity of American interests there demanded the protection of a naval force. The whale fisheries in the Pacific likewise required the presence of several United States vessels in the ocean; and the Gulf of California should be more thoroughly explored and charted.

For an explanation of this increase by Upshur of the Pacific squadron as a deep laid plot on the part of the slave holders to seize California, see William Jay, *A Review of the Causes and Consequences of the Mexican War* (Boston, Philadelphia, New York. 1849), 81-82.

*Immigration 1840-1.*—More important, however, for the American cause than any of the results that came from the arrest of Graham and his companions, was the beginning of organized emigration to California during the years 1840-1841. The reports spread by trappers, adventurers, travellers, and Americans residing in California, had by this time begun to bear definite fruit. The west, especially, had become interested in the Pacific Coast and looked to Oregon and California as fields for future settlement. So great was the enthusiasm in Platte County, Missouri, for example, that public meetings were held, committees appointed, and a pledge drawn up, to which five hundred names were appended, binding its signers to convert their property into emigrant outfits and start in the following May<sup>27</sup> from the rendezvous at Sapling Grove, Kansas, for California. Though a number of circumstances served to cool this ardor,<sup>28</sup> and only forty-eight persons left for California at the time agreed upon,<sup>29</sup> the departure of these is significant as foreshadowing a movement that, with occasional interruption, was to continue with increasing energy during the next five years.

John Bidwell, a member of this early party, has left us a typical story of how he and his neighbors and many another family of the west became interested in California between 1840 and the outbreak of the Mexican War. At the time of which we are speaking, Bidwell's neighborhood had become considerably excited over the stories of one whom he described as a "calm, considerate man" by the name of Rubidoux. This story-telling traveller,

<sup>27</sup>Bidwell, *California*; Josiah Belden, *Historical statement* (MS., Bancroft Collection); Bancroft, XXI, 264-75.

The immediate causes of this enthusiasm for a migration to California were letters received from Dr. John Marsh, an American resident of California, and the stories of Rubidoux.

<sup>28</sup>One cause given both by Bidwell and Bancroft was the efforts of Missouri merchants to discourage the movement, through misrepresentations of California.

<sup>29</sup>Only one of these, Bidwell, had signed the original pledge. The party left May 19, under the command of John Bartleson, in company with a second band of seventeen persons bound for Oregon under the direction of a noted trapper, Fitzpatrick. They followed the usual route of hunters and traders to the Rocky Mountains—"up the north fork of the Platte, by the Sweetwater through the South Pass, and down and up branches of Green River, to Bear River Valley near Great Salt Lake" Bancroft, XXI, 268-269. Here they separated, some of the California party joining the Oregonians, and the remainder, pressing on, eventually reached Marsh's rancho in November, after considerable hardship.

whose brother Joseph was a well-known western trader, having recently returned from a trip to California, brought back such marvelous reports of the productiveness of its soil and the genial qualities of its climate, that a public meeting was held "to hear more about this wonderful country on the Pacific Coast." When Rubidoux had finished his address before this gathering, repeating perhaps in a more formal way what he had already told many in private conversation, he became the target of questions from the audience. One easily imagines the form these took, regarding some particular phase of California conditions in which individuals were interested; or in respect to the length and hardships of the overland journey.

One ague-racked member of the assembly even wanted to know if chills and fever prevailed in that country which Rubidoux had described as a "perfect paradise, a perpetual spring." "There never was but one man in California who had the chills," replied Rubidoux. "He was from Missouri and carried the disease in his system. It was such a curiosity to see a man shake with the chills that the people of Monterey went eighteen miles into the country to see him."<sup>30</sup> Unfortunately Bidwell neglects to state how many of the forty-eight who eventually left Sapling Grove were influenced by this answer to seek an escape from the malaria of the Mississippi Valley and the mournful sufferings to which so many of the early settlers were exposed.

The growing interest of the United States was not wholly confined to the west during these years, however. Notice of the emigrant parties that were leaving Missouri was printed in the eastern papers. In Rochester, New York, John J. Warner, while advocating the building of a railroad across the continent to the Columbia, devoted much of his public lectures to a description of California and the advantages of San Francisco Bay.<sup>31</sup> Harvey Baldwin, from the same neighborhood, perhaps influenced by Warner, addressed a long letter to the president, contrasting the commercial importance and resources of California with the comparative worthlessness of the Oregon territory and urging him to take immediate

<sup>30</sup>Bidwell, *California*, 5-6.

<sup>31</sup>Warner's lecture was printed in the *New York Journal of Commerce* and in the *Colonial Magazine*, V, 229-236. Bancroft, XXI, 223.

steps toward its acquisition.<sup>32</sup> It was in the summer of 1841, also, that an exploring expedition of six vessels under command of Lieutenant Charles Wilkes reached San Francisco Bay, with special instructions from the government to make careful surveys of that harbor.<sup>33</sup> And thus in many ways<sup>34</sup> the people and government of the United States were kept in touch with California and its affairs during the early part of the decade beginning with 1840.

*Attitude of the Californians.*—The feeling among the California officials over the arrival of the immigrant parties of 1841 was one partly of alarm and partly of acquiescence. Early in May, 1841, General Almonte, Mexican Minister of War, wrote to Vallejo, the Comandante General of California, concerning the reported emigration of fifty-eight families from Missouri, and gave strict orders that every foreigner should be compelled to show a passport or leave the country. In the despatch Almonte had also enclosed a clipping from the *National Intelligencer* regarding "the convenience and necessity of the acquisition of the Californias by the United States" and one of similar tenor from the Washington "*Glova*."<sup>35</sup> Nor, with such evidence at hand, is it surprising that he further warned Vallejo to put but little trust in the alleged claim of the Americans that they were coming with peaceful intentions. The Texas immigrants had made the same false assertion.

But in spite of this command from Mexico, the Californians showed little desire to molest the respectable class of settlers from the United States. The members of the Bartleson party were compelled to explain their presence in the country and submit to the formalities of a nominal arrest after which they were free to

<sup>32</sup>Baldwin to Tyler, Jan. 19, 1843, enclosing a copy of a letter to Van Buren, of Sept. 27, 1840. MS., State Department, Miscellaneous Letters. 1843. Baldwin perhaps was interested in a personal way in the acquisition of California. He suggested in his communication that the American claims might be made the basis for negotiation; while Jay (*Mexican War*, 37, 40, 43) mentions a Baldwin as one of the claimants.

<sup>33</sup>Lieutenant Charles Wilkes, *Narrative of the United States Exploring Expedition during the Years 1838-42* (Philadelphia. 1845), I, page XXVII; Davis, *Sixty Years in California*, 127 *et seq.*, says Wilkes stated this was with the view of future acquisition.

<sup>34</sup>The rumor of English activities in California was one of the most potent factors at this time. *Niles' Register*, LVIII, 2, 70. Further mention of this is, however, reserved for future discussion.

<sup>35</sup>Vallejo, *Documentos*, No. 146.

go and come as they pleased.<sup>36</sup> While the reception of those arriving by the southern route, though tinged somewhat with suspicion, was equally free from any manifestations of hostility.<sup>37</sup>

*Efforts of Waddy Thompson.*—A period of renewed activity in the efforts of the United States to gain possession of California, began with the accession of Tyler to the presidency. Shortly before his recall from Mexico, Powhatan Ellis had written to Webster, then Secretary of State, urging the necessity of securing certain ports on the Pacific on account of the increase of American commerce and the growing importance of the whale fisheries.<sup>38</sup> While with the coming of Waddy Thompson as United States minister, a very definite movement was set on foot looking to the purchase of the territory.<sup>39</sup>

In his first despatch to the home government, Thompson showed himself a surprising enthusiast for such an acquisition. Mexico, he thought, would be willing to cede both California and Texas in return for a cancellation of the American claims against her.<sup>40</sup> But of the two, Texas was by far the less desirable, having no comparison in value with California—"the richest, the most beautiful, and healthiest country in the world." Control of Upper California, continued Thompson, would eventually mean the ascendancy of the United States over the whole Pacific. The bay of San Francisco was "capacious enough to receive the navies of all the world," while the neighboring forests could supply timber sufficient "to build all the ships of these navies." With this bay in her possession, and the harbors of San Diego and Monterey, the nation would have not only necessary ports for her whaling

<sup>36</sup>A second party numbering twenty-five, organized partly in Missouri and partly from Americans in New Mexico, had reached Los Angeles via the Santa Fé Trail about the time the Bartleson company arrived in the north. The Californians at first were afraid that these had been concerned in the Texan expedition against Santa Fé (Bancroft, XXI, 276-287).

<sup>37</sup>*Ibid.*, 274-275.

<sup>38</sup>Ellis to Webster, Jan. 22, 1842 (MS., State Department). On March 10th, Thomas Carlile was appointed consul at San Francisco by Tyler. Webster to Thompson, April 8, 1842. MS., State Department.

<sup>39</sup>Thompson reached Vera Cruz April 10, 1842. See Waddy Thompson, *Recollections of Mexico* (New York and London. Wiley and Putnam. 1847), 1.

<sup>40</sup>This was the only way in which Thompson saw any hope of Mexican creditors receiving satisfaction.



vessels; but by opening up internal communication with the Arkansas and other western streams, could "secure the trade of India and the whole Pacific Ocean."

In agricultural lines, also, Thompson was assured that California would prove of immense value to the United States, and one day become the "granary of the Pacific." He also believed that, as slavery was not necessary there, the north and south could arrange another compromise. "I am profoundly satisfied," he concluded, after warning Webster against the designs of France and England upon the territory,

that in its bearing upon all the interests of our country, agricultural, political, manufacturing, commercial and fishing, the importance of the acquisition of California cannot be overestimated. If I could mingle any selfish feelings with interests to my country so vast, I would desire no higher honor than to be an instrument in securing it.<sup>41</sup>

Ten days after he had written this despatch to the Secretary of State, Thompson sent one of like tenor to the president. "Since my despatch to Mr. Webster," he began,

I have had an interview with Gen. Santa Anna and although I did not broach to him directly the subject of our correspondence I have but little doubt that I shall be able to accomplish your wishes and to add also the acquisition of Upper California.

This latter, I believe, will be by far the most important event that has occurred to our country. Do me the favor to read my despatch to Mr. Webster in which my views of the matter are briefly sketched—I should be most happy to illustrate your administration and my own name by an acquisition of such lasting benefit to my own country.

Upon this subject I beg your special instructions, both as to moving on the matter and the extent to which I am to go in the negotiations and the amount to be paid. The acquisition of Upper California will reconcile the northern people as they have large fishing and commercial interests in the Pacific and we have literally no port there. Be pleased also to have me pretty strongly instructed on the subject of our claims or leave the responsibility

<sup>41</sup>Thompson to Webster, April 29, 1842. MS., State Department. Much of the substance of this despatch was afterwards embodied by Thompson in his *Recollections* (pp. 233-238). A summary is also printed in Reeves, 100-101, but the quotations are not *verbatim* as the text would seem to indicate. See also Rives's *The United States and Mexico*, II, 46.

to me. Procrastination, the policy of all weak governments, is peculiarly so with this, and they are very poor and will never pay us one farthing unless pretty strong measures are taken.<sup>43</sup>

Late in June Webster answered Thompson's despatches, giving him full liberty to sound the Mexican government upon the subject of ceding a portion of her territory on the Pacific in satisfaction of all, or a part of the American claims. "Although it is desirable that you should present the Port and Harbor of St. Francisco as the prominent object to be obtained," wrote Webster, "yet if a cession should be made, the Province would naturally accompany the Port. It may be useful however for divers reasons, that the convenience and benefit of the Port itself, should at least for the present, be spoken of as what is chiefly desired by the United States." In conclusion, Thompson was advised to proceed in a circumspect manner with the negotiations, and especially warned against giving the impression that the United States was eager for the purchase, since it would be far better to convey the idea that she was willing to settle the debt in this way simply for the convenience of Mexico.<sup>44</sup>

During the summer of 1842 one further communication regarding California came from Thompson; but this, being in the form of a warning against English encroachments, will be considered in another connection. Toward the close of the year all thought of negotiation was temporarily cut short, as it happened, when Webster was especially anxious to secure Mexico's consent to the tripartite agreement,<sup>45</sup> by the seizure of the port of Monterey by Commodore Jones, who, as we have seen, had been placed in command of the Pacific squadron by Secretary Upshur nearly a year before.

The details of this incident have been described so frequently that it would be useless to repeat them here.<sup>46</sup> It may simply

<sup>43</sup>Thompson to Tyler, May 9, 1842. MS., State Department; mentioned also by Reeves, 101.

<sup>44</sup>Webster to Thompson, June 27, 1842, in *The Writings and Speeches of Daniel Webster* (National Edition. Boston. Little, Brown & Company. 1903), XIV, 611-612. See also Reeves, 102, for different portions of the same letter.

<sup>45</sup>See below, pp. 35-7.

<sup>46</sup>Bancroft, XXI, 298-329; Lyon G. Tyler, *Letters and Times of the Tylers* (Richmond. Whittet & Shepperson. 1885), II, 265-267; H. Von

be said that the American commander, convinced by various reports that the United States and Mexico were at war<sup>47</sup> and that the latter was on the point of ceding California to Great Britain,<sup>48</sup> sailed as rapidly as possible from Callao to Monterey, which he took possession of without opposition, beyond a formal protest from the California officials. The next day, realizing that he had made a mistake, Jones surrendered the town to its former owners with formal apology for his error.

The seizure of Monterey, so far as the Californians themselves were concerned, seems to have been taken pretty much as a matter of course. A full report was forwarded to the Mexican Government<sup>49</sup> and the authorities at Los Angeles availed themselves of the opportunity to charge the captain of one of Jones's vessels, the *Alert*, with spiking the artillery at San Diego and injuring the harbor.<sup>50</sup> American residents were naturally uneasy for a time lest they should suffer from the ill-will engendered among the Californians by the occurrence,<sup>51</sup> but their fears were entirely groundless.<sup>52</sup>

Holst, *The Constitutional and Political History of the United States* (Chicago. Callaghan and Company. 1881), II, 615-620; *H. Ex. Docs.*, 27 Cong., 3 Sess., No. 166, for official account. Many of the secondary accounts were written with a decided bias against the American commander. For example, Jay (pp. 82-86) described it as wholly a move on the part of the slave-holding South.

"Jones obtained his information from a letter written by John Parrott, the United States consul at Mazatlan, on June 22. Enclosed was a copy of *El Cosmopolita* of June 4, containing the threatening letters of Bocanegra to Webster concerning the Texas difficulties. Rumors of war were common all along the Pacific coast at the time (Johnson to Larkin, Honolulu, May 26, 1842—"word received from the United States that war may be declared any day." Larkin MSS., I, No. 276; Davis to Larkin, May 30, 1842—"war declared against Mexico." *Ibid.*). Larkin's *Official Correspondence* is designated as such; his private correspondence will hereafter be referred to simply as above—Larkin MSS.

"A copy of a Boston paper, with an extract from the New Orleans *Courier* of April 19, stating that Mexico had ceded California to England for \$7,000,000, had fallen into his hands. The departure of Admiral Thomas with a British fleet under sealed orders from Callao, lent additional weight to the rumor.

"Bocanegra to Thompson, Dec. 28, 1841. MS., State Department.

<sup>50</sup>*Ibid.*

<sup>51</sup>I. C. Jones, a resident of Santa Barbara, wrote that he considered the seizure of Monterey the act of a madman, which would be followed by deplorable results for all Americans in California. He was, however, a confirmed pessimist. Jones to Larkin, Larkin MSS., I, No. 357.

<sup>52</sup>Larkin to Secretary of State, April 16, 1844—Contrary to expectations Jones's action did not engender any ill-will among the Californians

In Mexico, however, a different spirit prevailed. Jones had reported his action both to the authorities at Washington and to Waddy Thompson at Mexico City.<sup>53</sup> Without waiting for instructions from the department, the American minister at once disavowed the seizure of the California town and promised satisfaction for any loss thereby sustained.<sup>54</sup> Jones was recalled and temporarily deprived of his command; while Webster made formal apologies in the name of the government for the proceedings. But beyond this, in the infliction of a far heavier penalty demanded by the Mexican Minister upon the American commodore, both Webster and Tyler refused to go.<sup>55</sup>

In the United States, also, the capture of Monterey furnished John Quincy Adams and others of his kind with fresh ammunition for onslaughts against the administration and its policy of annexing Mexican territory.<sup>56</sup> Reports of these attacks and overdrawn charges made by the Americans against the American president reached Mexico, and served to increase there the spirit of hostility and suspicion already engendered by the incident.<sup>57</sup> So that Thompson was compelled to notify his government that it was "wholly out of the question to do anything as to California and after recent events there it would be imprudent to allude to it in any way," the only possibility of securing territory at all lying in a cession of San Francisco some time in the future when Mexico should find herself unable to pay the awards of the American claims.<sup>58</sup>

but had rather the reverse effect. Larkin, *Official Correspondence*, Pt. II, No. 4.

<sup>53</sup>Jones to Thompson, Oct. 22, 1842. MS., State Department.

<sup>54</sup>Reeves, 106. Thompson was not officially notified to take this course for some months. Webster to Thompson, Jan. 27, 1843. MS., State Department.

<sup>55</sup>Tyler to Webster, Jan. —, 1843. Webster MSS., Library of Congress; same to same, Feb. 9, 1843. Tyler's *Letters and Times of the Tylers*, II, 267.

<sup>56</sup>For Adams's attitude, see his *Memoirs*, XI, 304 *et seq.*

<sup>57</sup>Thompson to Webster, Jan. 5, 1843—"They are printing in all their newspapers the speech of Mr. Adams made in Massachusetts, and with most injurious effect as it confirms all their unfounded suspicions against us." MS., State Department.

<sup>58</sup>Thompson to Webster, Jan. 30, 1843. Webster MSS. A new scheme connecting California with these unpaid claims had also been suggested to Webster by Brantz Mayer, formerly secretary of legation under Thompson, upon his return to Washington. Mayer's plan, instead of requiring

*The proposed Tripartite Agreement.*—While this correspondence was being carried on with the American minister at Mexico City, Webster was also making tentative efforts to bring about an arrangement between Great Britain, Mexico and the United States for the settlement of the three vexed questions of Texas, Oregon, and California. As early as the summer of 1842, when Lord Ashburton was in this country as special commissioner, Webster had approached him with the suggestion of settling the Oregon boundary line by ceding the American claims to territory north of the Columbia to Great Britain, in return for a portion of California that should be purchased from Mexico by the two nations in common.<sup>59</sup>

By the beginning of 1843 this idea had come to assume an important place in the plans of the administration.<sup>60</sup> Thompson was instructed to sound the Mexican government on the subject, and it was likewise brought to the notice of General Almonte, Mexican minister at Washington.<sup>61</sup> As England was known to favor it, a rough outline for the basis of negotiations was sent by Webster to Edward Everett, American ambassador at London.<sup>62</sup> The terms of this were as follows:

immediate cession on the part of Mexico, substituted a mortgage to be held by the United States chiefly on "such parts of California or such ports in that department as might be serviceable to our trade in the Pacific and useful to us politically." Such a pledge would result in ultimate ownership by the United States or punctual payments on the part of Mexico. Mayer to Webster, Dec. 9, 1842, MS., State Department. It may be added that this plan of a mortgage probably originated in the reports that English creditors held such a pledge. Thompson, who had quarreled with Mayer, considered his letter an extreme liberty even for one of Mayer's characteristic "vanity and impertinence." Thompson to Webster, Jan. 30, 1843. MS., State Department.

<sup>59</sup>Tyler's *Letters and Times of the Tylers*, II, 260-261; Adams, *Memoirs*, XI, 347.

<sup>60</sup>Reeves (p. 102) rather infers that the California project received scant attention from Webster and Tyler. The documents quoted in the text, it is believed, will contradict this idea.

<sup>61</sup>Webster to Everett, Jan. 29, 1843. Webster, *Works*, XVI, 393-396, *passim*.

<sup>62</sup>Reeves, in a note, p. 103, says that Webster's instructions to Everett, regarding this tripartite agreement, do not appear on file in the State Department. His account has therefore been based wholly on Everett's note to Calhoun of March 28, 1845, in which mention is made of the instructions sent by Webster. See also Schaefer's "British Attitude toward the Oregon Question." *Amer. Hist. Rev.*, XVI, 293-294, note. It is significant that Webster's biographer prints only a part of this letter of Jan. 29, leaving out all portions relating to California or the tripartite agreement.

1. Mexico to cede Upper California to the United States.
2. The United States to pay ——— millions of dollars for the cession.
3. Of this sum, ——— millions to be paid to American claimants against Mexico.
4. The remainder to English creditors or bondholders of Mexico.
5. The Oregon boundary to be settled on the line of the Columbia.<sup>63</sup>

Both Webster and Tyler felt that this tripartite arrangement would prove the means of satisfying all sections of the country.<sup>64</sup> Tyler, especially, was anxious to include the admission of California in the terms of any treaty resulting from it, writing to Webster that "Texas might not stand alone, nor . . . the line proposed for Oregon. Texas would reconcile all to the line, while California would reconcile or pacify all to Oregon."<sup>65</sup> He was even anxious to send Webster on a special mission to Great Britain,<sup>66</sup> and Webster expressed a willingness to go provided he could settle the Oregon question and obtain California, for Webster had as much desire to secure the latter, if not more, as did Tyler.<sup>67</sup>

The idea of a special mission was, however, cut short by the adverse action of Congress.<sup>68</sup> Tyler then endeavored to persuade

George Ticknor Curtis, *Life of Daniel Webster* (New York. D. Appleton and Company. 1870), 175-177. George Bancroft, as late as March, 1844, wrote to Van Buren as though this discovery that Webster had been trying to secure California were a great piece of news. It interested Van Buren so much that he tried to find out the details from Silas Wright, who could give him no information. Bancroft to Van Buren, April 11, 1844. Van Buren MSS., Library of Congress. Van Buren's interest doubtless arose from the political value of such information in connection with the question of Texas annexation.

<sup>63</sup>Webster to Everett, as cited, p. 394.

<sup>64</sup>Webster saw in it the means of winning over the two-thirds vote necessary for the ratification of the boundary treaty with Great Britain (*Ibid.*, 394-395).

<sup>65</sup>Tyler to Webster, undated. Webster MSS.

<sup>66</sup>Same to same, undated. Webster MSS. ". . . what is contemplated is much more important than what has been done. The mission will be large and imposing"—same to same, Feb. 26, 1843. *Ibid.* See, also, Tyler's *Letters and Times of the Tylers*, II, 261, for the same letters.

<sup>67</sup>For Webster's interest in California, see his letter of Jan. 29, to Everett, already cited so frequently. He afterwards wrote that he considered the bay of San Francisco twenty times more valuable to the United States than all Texas. Curtis, *Life of Webster*, II, 250.

<sup>68</sup>Tyler's *Letters and Times of the Tylers*, II, 263.

Everett to accept the new embassy to China in order that Webster might take his place in London and carry through the measure under discussion. But Everett, preferring the pleasures of the Court of St. James to the uncertainties of the Mandarin ministry, declined the exchange.<sup>69</sup> About this time, also, Thompson's despatch of January 30 reached Washington, with the information that it would be useless to approach Mexico regarding the cession of any territory; and Webster, whose days of usefulness in the cabinet were over, and who saw no prospects of effecting anything further, either regarding the adjustment of the Oregon difficulties or the acquisition of California, retired to private life.<sup>70</sup>

Following Webster's resignation, and the death of Hugh S. Legaré, after only a month's service as Secretary *ad interim*, the cabinet was reorganized, and in July, Abel P. Upshur, former Secretary of the Navy, became head of the Department of State.

*Effect of Mexican hostility to England.*—At this time interest centered primarily in Texas where matters were fast coming to a crisis; but in the fall of 1843 Thompson's despatches began to call attention again to California. On September 28 he wrote that the strong bond of friendship, formerly existing between Mexico and England, was fast giving way to a feeling of hostility that had manifested itself openly in an insult to the British flag.<sup>71</sup> A few days later he reported an interview with Santa Anna in which he had been told that, in the event of a collision with Great Britain, which seemed probable, Mexico would look to the United States to protect California.<sup>72</sup>

In less than two weeks Thompson again referred to the subject of his conversation with Santa Anna and assured Upshur that if war actually broke out between the two countries, Mexico would certainly cede California to the United States to keep it from falling into English hands. The comparison suggested in this communication seems worthy of note: "You will remember," wrote Thompson, "that it was the fear of the seizure of Louisiana by England that induced Bonaparte to cede it to us. The acquisition of California will be of little less importance . . .

<sup>69</sup>*Ibid.*

<sup>70</sup>His resignation came May 8, 1843.

<sup>71</sup>Thompson to Upshur, Sept. 28, 1843. MS., State Department.

<sup>72</sup>Same to same, Oct. 3. *Ibid.*

There is no prospect whatever of such a cession but in the event of a war between Mexico and England. Then nothing would be easier."<sup>73</sup>

*Order against Americans.*—In connection with this subject of the ill will of Mexico toward England the American minister had earlier reported a less hostile feeling prevailing toward his countrymen in Mexico and that the government was coming to look upon them with a far more friendly eye.<sup>74</sup> If this were true at all, however, the change was of a purely temporary nature. As far back as July 14, an order had been issued to the governor of California,<sup>75</sup> Manuel Micheltorena, to expel all citizens of the United States from his province and prohibit future immigration.<sup>76</sup> This, however, did not come under Thompson's notice until late in December, when he at once vigorously protested and demanded its rescission. His communications on the subject remaining unanswered, he threatened next to break off diplomatic relations, and even called for his passports.

Upon this the Mexican Secretary of Foreign Relations assured him that the order was meant to apply to other foreigners as well as to Americans and had been aimed only at "seditious" inhabitants of the province, to whose governor "very benevolent explanations" had been sent. This, though not satisfactory, was sufficient to prevent Thompson from leaving Mexico, especially as he had no great desire to carry his threat into execution; while upon his further remonstrance, the order was entirely countermanded.<sup>77</sup> In obtaining the withdrawal of a somewhat

<sup>73</sup>Thompson to Upshur, Oct. 14, 1843. The omission indicated in quotation represents requests for instructions concerning California. Same to same, Oct. 29. Fear of war with England alone will enable him to conclude a new convention for the settlement of the American claims; see also same to same, Nov. 20, and Jan. 16. MSS., State Department.

<sup>74</sup>Thompson to Upshur, Oct. 20, 1843. MS., State Department.

<sup>75</sup>Also to the Governors of Sonora, Sinaloa, and Chihuahua.

<sup>76</sup>Bancroft (XXI, 380-1) says there is no evidence that the order ever reached California. Thompson, on the contrary, wrote, in the despatch cited, that Micheltorena assured the Mexican government he had already taken measures to carry out the command. At least, however, it may be said that the law caused no excitement in California or uneasiness among the American residents.

<sup>77</sup>For details regarding this command, see Thompson to Upshur, Jan. 4, 1844 (MS., State Department); Thompson, *Recollections*, 227; *Niles' Register*, LXV, 353.

similar law, prohibiting foreigners from engaging in retail trade either in Mexico or any of her provinces, Thompson was not, however, by any means so successful.<sup>73</sup>

On February 28, 1844, Upshur lost his life by the explosion on board the *Princeton*, and Calhoun took his place in the cabinet, his appointment, according to Duff Green, having been urged for the three-fold purpose of conducting "the negotiation for the annexation of Texas, the purchase of California, and the adjustment of our northwestern boundary."<sup>74</sup>

*Hasting's scheme for an independent California.*—Ben E. Green, the son of Duff Green, who had been secretary of legation under Thompson, was appointed *chargé* upon the return of the latter to the United States, and entrusted with securing the assent of Mexico to the annexation of Texas.<sup>80</sup> This was no easy task. Whatever ill-will there had been against England had died away, and though in its place some difficulty had arisen with France, the great weight of Mexican hostility was directed toward the government at Washington. But whether with France or with the United States, Santa Anna was openly advocating a foreign war to develop the nation's resources, and Green could see no benefit to be gained by this country from becoming a party to such a quarrel, "unless, indeed, we should end by gaining possession of California, and thereby secure a harborage for our shipping on the Pacific and one of the finest countries on the Globe."<sup>81</sup>

A few days later, having received word of Upshur's death and Calhoun's appointment, Green wrote privately to the latter concerning some information in his possession, which he thought

<sup>73</sup>Thompson(?) to Larkin, United States Legation, Mexico, March 1, 1844. Has continued to hope that order would be rescinded but sees no hope for it now. Clear violation of treaty rights, etc. Larkin MSS., II, No. 66. See, also, Thompson's *Recollections*, 229-230.

<sup>74</sup>Duff Green, *Facts and Suggestions* (New York. Richardson & Co. 1866), 85.

<sup>80</sup>Tyler's *Letters and Times of the Tylers*, II, 298; statement of Benjamin E. Green, Aug. 8, 1889, *Ibid.*, III, 174-175. Johnston wrote Polk of a rumor that Green was authorized to offer \$10,000,000 to Mexico, and the guaranty to her of the Californias against all other nations. Benton says the treaty when understood is more damnable than the correspondence." Johnston to Polk, May 5, 1844. Polk MSS., Library of Congress.

<sup>81</sup>Ben E. Green to Secretary of State, April 8, 1844. MSS., State Department.

might prove important in the Oregon and Texas negotiations.<sup>82</sup> The substance of this was derived from a confidential interview about three months before with Lansford W. Hastings, a sometime resident of California, of whom we shall also have occasion to speak hereafter.

Hastings, on his way from California to New York, had given Green very positive assurance that a movement for independence was on foot in California, and only waited his return, with a party of emigrants as reinforcements, before materializing. There was also talk in Oregon of uniting with California and forming a separate republic; and the movement once begun would speedily be joined by the Mexican provinces bordering upon Texas.<sup>83</sup> The certainty of this was rendered more imminent by Santa Anna's attempt to provoke a war with France, which, if it came and were properly managed, would result in the annexation of the disaffected provinces to Texas. With such an addition of territory, Green warned Calhoun, who was already prone to alarms, "that Texas would no longer desire admission to our Union, but on the contrary would prove a dangerous rival both to the cotton interests of the South and the manufactures of the North."<sup>84</sup>

*Efforts of Duff Green.*—Following this despatch Calhoun received a more detailed report on California and the whole Mexican situation from a personal interview with Waddy Thompson who returned about this time from Mexico.<sup>85</sup> The rejection of the Texas treaty in the senate on June 9, however, left little place in the plans of the administration for immediate action regarding

"Green spoke of Calhoun's appointment as "with a view to the Oregon and Texas questions." It is to be noted that, as in this despatch which spoke of Oregon and Texas only in a subordinate relation to California, California was often included under the general heading of "the Oregon question," or the "Texas question."

"As Hastings had given this information to Green three months before, the time for the denouement in California was probably not far away.

"Green to Calhoun, April 11, 1844. *Correspondence of John C. Calhoun*, edited by J. Franklin Jameson in *American Historical Association Report*, 1899, II, 945-947. This will hereafter be referred to simply as Calhoun's *Correspondence*.

"Same to same, May 30, 1844. *Ibid.*, 961. Calhoun was also informed of the encroachments of the Hudson's Bay Company in California. Larkin to Calhoun, June 20, 1844. MS., State Department.

Larkin had been appointed consul at Monterey, May 1, 1843. Webster to Thompson, May 5. MS., State Department.

California.<sup>86</sup> But early in the fall, Calhoun made a further attempt to open negotiations for the acquisition of that province in connection with the annexation of Texas. Duff Green, a close friend, was sent to Galveston nominally with the exequatur of consul, but in reality as Calhoun's special agent to join with Ben E. Green, his son, "in conducting the negotiation for the acquisition of Texas, New Mexico, and California."

Green arrived at Galveston shortly before the second of October,<sup>87</sup> but apparently did not tarry long at his supposed destination as we find him writing Calhoun on the 28th from Mexico City. This communication deserves special mention, not merely because it showed the futility of any immediate attempt to secure a cession of Mexican territory but because the reason given in this particular instance explains very effectually the consistent rejection of similar proposals made by the United States, from that of Poinsett in 1825 to the final offer of Slidell in 1846.

"I am convinced," wrote Green, "that it is *impossible* to obtain the consent of this Government to the cession to the United States of Texas, California or any part of the public domain of Mexico whatever." Then followed a long dissertation on Santa Anna's hostile policy toward the United States, pursued since 1825 for his own selfish interests; a description of the chaotic state into which the government had fallen; and certain remarks upon the constant factional strife with which the land was cursed. "In such a state of things," he continued,

in the midst of a civil conflict where each party is seeking pretences to murder and confiscate the property of their opponents, and where the principle [is maintained] that it is treason to sell any part of the public domain to the United States, it is worse than folly to suppose that either party can alienate any part of Texas or California.<sup>88</sup>

"During the year 1844 a California representative, by name of Castañares, was in Mexico pleading for aid for the department, warning the government against American designs, and prophesying the loss of California unless active measures were taken to prevent its falling into the hands of the United States. Bancroft, XXI, 413 *et seq.*

"*Facts and Suggestions*, 85. Green says elsewhere that Calhoun told him success in the negotiation would mean a more valuable commerce on the Pacific within a few years than on the Atlantic. Tyler's *Letters and Times of the Tylers*, III, 174-175.

"Memucan Hunt to Calhoun, Oct. 2, 1844. Calhoun *Correspondence*, 975. Mention is here made of Green's consular position.

Farther along in his despatch, Green again laid emphasis upon the fact—which Americans, eager for territory and cognizant of Mexico's need of funds and the easy virtue of some of her officials, were slow to grasp—that any party venturing to sell Texas or California would surely be overthrown, its leaders shot and their property taken over by a rival faction. Out of this difficulty only one way lay open to the United States government; and that, though it promised all the administration could ask, Green refused to specify in writing, reserving his explanation for a personal interview after visiting Texas.<sup>89</sup>

Following Duff Green's departure from Mexico, little concerning California occurs in the correspondence that passed between Wilson Shannon, the American minister who succeeded Thompson, and Calhoun. One important despatch respecting English designs, which will be noticed later, was sent early in January, 1845;<sup>90</sup> while on the 16th of the same month Shannon wrote that there might be a bare possibility of reopening negotiations with the new government of Paredes and Herrera<sup>91</sup> because of their desperate need of funds.<sup>92</sup> But the breaking off of diplomatic relations, following the annexation of Texas soon after this, put an effectual stop to all attempts at negotiation for California until Slidell entered the field under Polk's direction.

It should be noted, however, in any discussion of the diplomacy of this period that it was during Tyler's administration that the first hint of Polk's subsequent policy regarding the internal affairs of California is to be found. Larkin, after his appointment as

<sup>89</sup>Duff Green to Calhoun, Oct. 28, 1844. *Ibid.*, 975-980. It is more than probable that Green had reference to the movement he afterwards endeavored to stir up in Texas looking to the revolt of several of the Mexican provinces, including California. Anson Jones, *Republic of Texas*, 412-414; Donelson to Calhoun, Jan. 27, 1845, *Calhoun Correspondence*, 1019-1020.

<sup>90</sup>Green also had something to say in his despatches about England's hold on California.

<sup>91</sup>Shannon to Calhoun, Jan. 16, 1845. MS., State Department. Ben Green asserted that the Herrera government was favorably inclined to cede New Mexico and California to the United States, and that he and the United States consul, J. D. Marks, at Matamoras came to Washington to acquaint Tyler with the fact and arrange the negotiation. The appointment of Slidell as minister, according to Green, brought their plans to a standstill (Tylers *Letters and Times of the Tylers*, III, 174-177).

<sup>92</sup>Santa Anna's overthrow took place about the middle of January.

consul, kept the State Department well informed as to events in the province, especially regarding immigration, the attitude of California officials, and the proceedings of the Hudson's Bay Company. In this he was encouraged by the authorities at Washington; and, still farther, urged to report anything concerning the political condition of California that could "be made subservient to or may effect (*sic*) the interest and well being of our government."<sup>93</sup> It was an enlargement upon this plan, that, as we shall see, Polk made use of about one year later.

<sup>93</sup>Larkin to Secretary of State, April 16, 1844. *Official Correspondence*, II, No. 4; same to same, Aug. 18, *Ibid.*, No. 9. Crallé, Acting Secretary of State, to Larkin, Oct. 25, 1844. Larkin MSS., VI, No. 223.

## BEGINNINGS OF THE SECESSION MOVEMENT IN TEXAS\*

ANNA IRENE SANDBO

### I. INTRODUCTION

#### *1. Slavery in the United States*

What is commonly known as the secession movement covers comparatively few years. But essentially it was one of a series of controversies between the states which arose early, and are still arising. It grew more immediately out of the controversy which arose over the institution of negro slavery. But the real cause of the movement was the difference in economic conditions prevailing in the several sections of the country, and the inability of the central government to adapt itself to these conditions. In the North slavery was never profitable, but in the warm and fertile South where the large open areas of land were favorable to agriculture, and where the climate made it difficult for people of North European birth or extraction to perform severe manual labor, slavery established itself firmly. As the Louisiana territory and Florida were added to the Union, it spread over those territories. The plantation system with its enormous acreage cultivated by slave labor became the established order.

In the early years of our history the North and the South had united in placing restrictions upon slavery. Together they had abolished the slave trade, and prohibited slavery forever in the Northwest Territory. But the economic development of the country progressed along different lines in the two sections. In the Northern states, where it was unprofitable, slavery was soon abolished, while in the South the institution and the problems to which it gave birth became more serious. In the opinion of the South slavery was essential to its economic progress and to the

\*This a portion of a thesis presented to the Faculty of the College of Arts of the University of Texas in partial fulfillment of the requirements for the Master of Arts degree (June, 1913). The remainder of the paper will appear in the October QUARTERLY, entitled "The First Session of the Secession Convention."

perpetuation of the social conditions which had arisen with the plantation system. But the problem of abolishing a financially profitable institution where it was considered necessary to the existence of the plantation system and to the social conditions dependent upon it, was not the only difficulty that confronted the South; the question as to what disposition could be made of the hundreds of thousands of liberated negroes presented an equally serious problem. The most southern point of free territory had been reached by 1800. From that time on, the country had distinct free and slavery sections. And as time passed, there grew up an aggressive element in the North hostile to slavery. It expressed its views freely on the subject, and held the nation responsible for the system which it considered inhuman and odious. In the South the feeling grew that one of its necessary institutions was condemned and threatened, and that the South in order to hold its own must act as a unit. From such a beginning grew distinct political alignments and solidification of the sections, which eventually became the cause of secession and civil war.

## 2. *The Beginning of Slavery in Texas*

It is apparent that Texas could not escape the tide of anti-Northern sentiment and of disunion that passed over the other Southern states. Though not a member of the Union until 1846, Texas, was, nevertheless, closely affiliated with the other Southern states; the majority of her inhabitants had emigrated from those states, and her economic conditions were substantially the same as theirs. From the beginning of American immigration into Texas, settlement and slavery went hand and hand. The Mexican government abolished slavery throughout the Mexican states in 1829, but Texas was soon after, at the request of Stephen F. Austin, exempted from the decree, and the Republic of Texas firmly established slavery within its boundaries. The constitution of 1836 provided that all who were slaves at the close of the revolution should remain such. Congress was forbidden to pass any law prohibiting immigrants from bringing their slaves with them; and no one was permitted to free his slaves, except by consent of Congress, unless he first sent them out of Texas; nor were free negroes permitted to reside in the state. But the

African slave trade, except with the United States, was prohibited and declared piracy.<sup>1</sup>

When, in 1837, Texas proposed to enter the Union, the slave question again loomed up in the United States. The facts, that the acquisition of Texas would add to the United States a vast slave territory, and that new life would thus be given to the institution, gave rise to spirited and acrimonious discussions in Congress. A great struggle between the representatives of the Southern states and the Northern abolitionists over the right of petition growing out of the slavery question had just been ended. Northern members looked with contempt upon the application for annexation. It was not until nine years later that enough of the people of the United States "realized," as Dr. Garrison says, "the supreme importance of acquiring Texas to turn the scale in favor of accepting her, slavery and all."<sup>2</sup>

## II. ATTITUDE OF TEXAS TOWARD THE SLAVERY CONTROVERSY BEFORE 1854

### 1. *Interest Occupied by Local Affairs*

That the Texans took but comparatively little interest in the slavery controversy before 1854 was due to various circumstances. Texas had little time to devote to the affairs of the nation. Her time and attention were given to adjusting her own affairs. The Indians were troublesome and her frontiers had to be protected. The Mexicans gave trouble to the new government by inciting the negroes to conspiracy and insurrection.<sup>3</sup> Other questions of vital importance to her at that time were those involving her boundary dispute, her debt, the problems connected with her unoccupied lands, internal improvements, and the development of her resources. Furthermore, Texas was a new state and was sincere in her loyalty to the Union; and the plantation system had not yet developed to such an extent that the great plantation owners could control the policy of the state and mould public opinion in support of slavery.

<sup>1</sup>Garrison, *Texas*, 215.

<sup>2</sup>*Ibid.*, 281.

<sup>3</sup>Bancroft, *North Mexican States and Texas*, II, 417.

*2. Early Attitude toward the Slavery Controversy*

Yet Texas could not escape entirely the great controversy agitating the Union just before the compromise of 1850. Her representatives in Congress took part in the struggle there, and the people at home were not entirely silent.

The earliest evidence that I have found in regard to the attitude of Texas toward the situation at that time is a series of resolutions adopted by a county convention which met at Galveston, January 31, 1848, to select delegates to the state convention, which was to choose the four Texan delegates to the national convention at Baltimore.<sup>4</sup> These resolutions maintained that any legislative interference on the part of the federal government with the domestic policy of the citizens of the United States living in any of the territories would not be in the true spirit and meaning of "needful rules and regulations," and hence would be unconstitutional; that all acquired territory belonged to the states of the Union for their common use and benefit; that until a territory should be admitted to statehood, the citizens of all the states had a right to emigrate thither with their property and there enjoy it; and that it would be inexpedient for the Texas delegates in the national convention to support any candidate from the non-slaveholding section of the Union who did not advocate the opinions expressed in these resolutions.<sup>5</sup> The convention specifically endorsed a resolution offered by Senator Dickinson of New York in December, 1847, favoring expansion, and denying the power of Congress to impose on any territory required restrictions "inconsistent with the right of the people thereof to form a free sovereign state, with the powers and privileges of the original members of the confederacy;" but it repudiated his second resolution, that questions of domestic policy should be left to the territorial legislatures.<sup>6</sup> The discussions to which these resolutions

<sup>4</sup>*Galveston News*, February 2, 1848.

<sup>5</sup>The committee that framed and signed these resolutions was composed of F. H. Merriman, Louis T. Wigfall, John Warren, W. Richardson, and I. S. Savage.

<sup>6</sup>"Resolved, That the true policy requires the government of the United States to strengthen its political and commercial relations upon this continent, and the annexation of such contiguous territory as may conduce to that end, and can be justly obtained; and that neither in such acquisition nor in the territorial organization thereof can any conditions be

gave rise show that the sentiment which they expressed was by no means unanimous. A Mr. Megginson, in giving his reasons for refusing to serve as a member of the committee that drew up the resolutions, said that the great questions of the day were those involving the preservation of the constitution and the protection of slavery. So far as he could see neither the Whigs nor the Democrats could be depended upon to defend slavery, for both parties in the North were fighting it. He could see no use in sending delegates to the national convention; the four men from Texas could accomplish nothing there, and the people of Texas would not be benefited in any manner by sending delegates. A Mr. Sherwood declared that he had never found more than three or four individuals who pretended to defend the institution of slavery in the abstract; that the people in the North and the people in the South had the same feelings on the subject; that it was an institution prejudicial in its operation to the best interests of the country; that it was an evil which had been introduced without the fault of that generation; that the only apology offered for its continuance was the difficulty of abandoning it; that, more than this, the South had up to that time always agreed with the North that Congress had absolute control over the territories, and that it was then inexpedient to change that view. Louis T. Wigfall and Ashbel Smith on the other hand, defended the principles embodied in the resolutions. The latter maintained that no one could contend that the right to establish or abolish slavery was conferred upon Congress, and that neither Congress nor a territory could abolish slavery within the borders<sup>7</sup> of such territory.

constitutionally imposed, or institutions be provided for, or established, inconsistent with the right of the people thereof to form a free sovereign state, with the powers and privileges of the original members of the Confederacy.

"Resolved, That, in organizing a territorial government for territory belonging to the United States, the principles of self-government upon which our federated system rests, will be best promoted, the true spirit and meaning of the Constitution observed, and the confederacy strengthened, by leaving all questions concerning the domestic policy therein to the legislatures chosen by the people thereof." *Senate Journal*, 30th Congress, 1st Session, 1847-1848, page 48.

These resolutions and discussions were considered of such importance in showing the attitude of Texas toward the question agitating the public mind in 1848, that they were reprinted in 1855, when the controversy over the matter began to move the Texans to action.—*Galveston News*, October 30, 1855.

The only other evidence I have found that the people of Texas were taking an interest in the disposition of the newly acquired territories is found in an editorial of that day, which indicates that the course of the federal government was not entirely satisfactory to Texas. The editor complained that, although the South had furnished the greater number of men in the war with Mexico, Congress was trying to defraud the South of its rights in the territory thus acquired.<sup>8</sup>

### *3. Attitude of United States Senators from Texas*

The Texas representatives in Congress were in the midst of the struggle over the organization of the Mexican cession, and hence could not avoid taking part in it. Texas was represented in the Senate by Sam Houston and Thomas J. Rusk, both elected in 1846. Rusk had served Texas well during the revolution, fighting side by side with Houston at San Jacinto; and later, during the Republic, he had served as chief justice. While a member of the Senate he voted on all occasions with the other Southern members; but as he died before the real "tug of war" came in Texas, in regard to secession, his influence on the movement was not great.

Houston on the other hand, was so closely identified with the whole movement, that the story of his life becomes a part of the secession movement in Texas from 1848 to 1861. Although a strict constructionist, and always jealous of the rights of Texas, he was at the same time a strong Union man. In a speech delivered in the Senate July 3, 1850, on the right of Texas to Santa Fê, he defined his idea of sovereignty in the following words: "The Sovereign power of this Union is shared by every free man, its embodiment passing through the States from the people; a portion of it is centered in the Federal Constitution, and thereby that becomes the supreme law of the land and is the only embodiment of sovereignty."<sup>9</sup> He was a slaveholder and accepted the institution as a part of the social system in which he found himself. On one occasion he said that he was neither the enemy nor the propagandist of slavery. While he most strenuously objected

<sup>8</sup>*Nacogdoches Times*, September 24, 1848.

<sup>9</sup>*Crane, Life and Select Literary Remains of Sam Houston*, 387.

to the extension of slavery, he denied just as strenuously the right of the federal government to interfere with the institution in the states where it was established. He saw clearly that the outcome of the dispute, if given time and scope, would lead to disunion and civil war. As a staunch friend and follower of Andrew Jackson, he had easily become imbued with a strong attachment for the constitution, which he believed should be strictly construed and enforced both by the North and the South. As a senator he allied himself with Benton and the old Union Democracy of Jackson in opposition to Calhoun and the other Southern leaders. When the Oregon territorial bill came up in Congress in 1848, it contained a provision prohibiting in accordance with the Northwest Ordinance of 1787 the establishment of slavery in Oregon. The bill was denounced by Calhoun, who held that Congress had no right to prohibit slavery in a territory. Threats of disunion were heard. Houston advocated the bill, and in the course of his speech said that he had heard threats of dissolution and disunion so often that he had become familiar with them, and that they no longer frightened him. He declared that, as for himself, he knew neither North nor South; he knew only the constitution and the Union.<sup>10</sup> This speech caused great excitement and anger in the Southern states, but no word of disapproval came from Texas. Instead, he was commended by one newspaper, at least, for his able speech and for the applause he had received from the galleries.<sup>11</sup>

In the great debates that preceded the compromise of 1850 Houston was not silent. At this time he zealously defended the rights of Texas, whose western boundary was in dispute, but he voted on all occasions for the measures that restricted the extension of slavery. He had voted against the extension of the Missouri Compromise line over the newly acquired territory in 1849, and in 1850 he voted for the admission of California as a free state, and for the abolition of the slave trade in the District of Columbia. But no protest seems to have been made in Texas. In the meantime, the Southern leaders, realizing that California and probably New Mexico would be lost to slavery, issued an address for a convention to meet at Nashville, Tennessee, in the

<sup>10</sup>Crane, *Sam Houston*, 201.

<sup>11</sup>*Nacogdoches Times*, September 9, 1848.

summer of 1850. Houston refused to sign the address, and ridiculed the idea of a convention.

That the people of Texas paid so little attention to the slavery controversy in 1850, although their senator was elsewhere severely criticised for his action in it, was probably due in part to the fact that all their interest was centered in the disposition of their western boundary.

It was not until 1854, when the Kansas-Nebraska bill came before Congress, that the Texans began to take any real interest in the controversy that had agitated the other portions of the country during the past half dozen years, or longer. The compromise of 1850 was merely a lull before the storm. The fugitive slave law no sooner went into effect than the people of the North began seeking ways and means of evading it; and the "personal liberty laws" did not tend to allay the slavery agitation. The Texas press began to show its interest in the controversy by reprinting editorials on the subject from the leading Southern papers. When comments were made, which was seldom, they were in accord with Southern sentiment, but the papers appeared to hesitate to take a firm stand on either side, as if conscious that the reading public was divided on the issue.

In the great struggle in Congress over the Kansas-Nebraska act, which repealed the Missouri Compromise, and placed the South on an equal legal footing with the North in a vast territory that had before been dedicated to freedom, Houston took an active part against the measure. He opposed it vehemently and unflinchingly. He spoke of the perils of such a measure and especially of those that it would bring upon his state, which was the southern terminus of the slave population. He called attention to the fact that her favorable conditions for the production of cotton, sugar, and tobacco would demand an enormous amount of slave labor; that the disproportion of the slaves to the white population would soon become enormous and the consequences frightful; that the South's demand for non-intervention by Congress would be as useless in theory as it would be dangerous in practice; that if the measure were adopted, it would not secure those territories to the South, nor preserve the Union of the states nor allay the agitation in the North; that it would sustain neither the Democratic nor the Whig party in its organization; and that

the effect upon the government would be most disastrous, because it would destroy the future harmony of the nation. He declared that the people revered and respected the Missouri Compromise as a line defining certain rights and privileges to different sections of the Union, and that by its destruction the people would become exasperated and bitter agitation would follow.<sup>12</sup> Because of this attitude toward the controversy, Houston was accused of being an abolitionist, of betraying the state he served and the cause he was in Congress to defend. In reply to these charges he said that he had no intention of remaining silent or shirking his duty in the face of such a dangerous measure; it was his duty to tell the South what the results would be in spite of all "intimidation, threats, or consequences." The Texans were awakened, however, to the seriousness of the North's opposition to slavery, and, on account of his attitude toward this bill, Houston lost for a time much of his popularity in Texas.

### III. BEGINNING OF THE SECESSION MOVEMENT IN TEXAS

#### 1. *The Beginning of Political Parties in Texas*

The sentiment of Texas after 1854, as reflected in the party platforms, in the acts of the legislature, and in the press of the state, was entirely in sympathy with the Southern movement to maintain Southern rights at any cost. In 1854, there were both Whigs and Democrats in Texas, but party organization did not become crystalized until Pease's administration, 1853-1857. The people concurred in the efforts of the state government to attend to the affairs of the state, both local and national. The party factions opposed to each other were of a personal rather than of a political character; it was the man and not the party he represented that was taken into consideration. When the Whigs were disrupted in 1854, the "American" or "Know-Nothing" party sprang into existence. This secret organization, opposed to alien immigration and to Catholicism, spread rapidly over the whole country and for a short time acquired considerable influence in Texas. Many lodges were organized, especially in the eastern part of the state. This party, in 1855, elected its candidate to Con-

<sup>12</sup>*Congressional Globe*, 33d Congress, 1 Sess., 1854-55, Appendix, 339-342.

gress; and its candidate for Governor against Pease, although defeated, received nearly eighteen thousand votes. After that time, though they did not put forth any candidates for state offices, Know-Nothing votes were, for several years, nevertheless, of considerable consequence in state elections.

This party affected the secession movement only indirectly. It stood for the preservation and perpetuation of the constitution and the federal union; opposed the formation of sectional parties; and believed in a strict construction of the constitution and the preservation of the rights of the states.<sup>13</sup> It was therefore a Unionist party, and opposed the more radical sentiments of the Southern Democrats. Houston and many of the Unionists of Texas were affiliated with the party for a time. The Democratic party, recently reorganized on the basis of national issues, was able to defeat the Know-Nothing candidates for state offices; but by 1857, the American party, having given up its secret methods, emerged well organized, independent, and ready for combat. Then it was necessary for the Democrats to unite all available forces in order to defeat Houston for the governorship.

The Democratic party in its first state platform, in 1855, recognized the existence of the national controversy over slavery, and from that time on until Texas withdrew from the Union, the party's platforms were devoted almost entirely to the all-prevailing question. In 1855, the party stood for strict adherence to the principles of state rights; maintained that Congress had no right to interfere in the affairs of sovereign states; condemned the attacks of the North upon the integrity of the constitution and the rights of the South; endorsed the principles of the Kansas-Nebraska bill, and denounced the Know-Nothing party as the enemy of good government.<sup>14</sup>

## *2. Houston Censured for Vote on Kansas-Nebraska Bill*

Immediately after the passage of the Kansas-Nebraska bill public opinion changed rapidly and radically in regard to the national

<sup>13</sup>Party Platform of State Convention held at Austin, January 21, 1856.  
—*Galveston News*, February 5, 1856.

<sup>14</sup>*Galveston News*, June 23, 1855.

controversy. That bill was heartily endorsed throughout the state as embodying the principles of true democracy. Houston's opposition to the measure was severely condemned by the press, by the people at large, in county conventions, by the state legislature, and by the state Democratic convention in 1856. His nearest friends could not uphold his action in regard to that measure. The correspondent of the "Prairie Blade," published in Corsicana, speaking of the sentiment of northern Texas which, judging from the newspapers of the day, was the prevailing sentiment throughout the state, was very much surprised that Houston had not yet been overtaken by political justice, and that he still retained his seat in the United States Senate, where he had twice betrayed the interests of Texas on the most vitally important subject that ever came before that body; he had basely and treacherously betrayed her cause on the Nebraska bill, and, no matter what his excuse might be, had voted with the abolitionists, the pledged and uncompromising enemies of Texas; and he had committed the sin of abolitionism in his votes, both on the Oregon and the Kansas-Nebraska bills. In conclusion the writer asked, "Will Texas endorse this course and tamely submit not only to be misrepresented, but have her interest assailed by Houston in conjunction with his abolition allies? Is there not enough of the spirit of '76 and '36 in Texas to defend their own interest from the attacks of their own Senator? If there is, I hope to see the next legislature request him, in the consideration of his many political sins, to resign."<sup>15</sup>

Houston's attitude toward the Kansas-Nebraska bill and his affiliation with the Know-Nothing party were condemned by the Democratic press with equal harshness. During 1855 and 1856, the *State Gazette*, the recognized organ of the rapidly growing Democratic party, devoted much space in every issue to denouncing the Know-Nothing party as a secret organization and as anti-slavery in sentiment; speeches on "Know-Nothingism," freely reprinted from the papers of other states, and letters on the policy and legality of the organization, occupied much space. In November, 1855, a great assembly of Democrats opposed to the Know-Nothing party assembled at Austin to commemorate their

<sup>15</sup>*State Gazette*, October 6, 1855.

victory over the "secretly marshalled forces of the ubiquitous Sam" in the recent elections.

Not less than twenty-two county conventions, in the fall of 1855 adopted resolutions upholding the doctrine of state rights, and of political equality, endorsing the Kansas-Nebraska bill, condemning the Know-Nothing party, and disapproved of Houston's attitude toward the Kansas-Nebraska bill; others recommended that the state legislature demand his resignation from the United States Senate. The Hays County convention declared that the many past services of Houston only added to his present shame and infamy, because of his base and traitorous desertion of Democracy and the just cause of the South; that by persisting in the grossest misrepresentations of both the will and the interests of the state, he had forfeited all claims to his title of honor, and to the confidence of his constituents.<sup>16</sup> The Cass County convention declared that he had violated the confidence reposed in him by his constituents, and that in view of the almost unanimous wish of the people, he ought to resign his seat, so that a man, who would become the exponent of their principles and the defender of their rights, might be elected.<sup>17</sup> Walker County, his own county, was probably most severe in its condemnation. Resolutions were adopted at Huntsville, to the effect that Houston had forfeited all claims to Democratic support by joining the Know-Nothing "conspirators"; that it was the bounden duty of the legislature to pass resolutions instructing him to vacate his seat in the Senate; that the integrity of the Democratic party, the interests of the South generally, and of Texas particularly, and a proper sense of self-respect, demanded this action at their hands. The convention also most heartily endorsed Senator Rusk's vote on the Kansas-Nebraska bill, and recommended to the incoming legislature, his re-election to the United States Senate.<sup>18</sup>

Many of these conventions organized Democratic associations,

<sup>16</sup>*State Gazette*, November 17, 1855.

<sup>17</sup>*Ibid.*, October 27, 1855.

<sup>18</sup>*Ibid.*, October 20, 1855.

The counties that thus expressed their sentiment in regard to Houston as found in the *State Gazette* were Cass, Fayette, Hays, Cherokee, Walker, Freestone, Colorado, Bell, Burleson, Smith, De Witt, Lavaca, Fannin, Liberty, Lamar, Leon, Comal, Travis, Shelby, Williamson, Burnet, and Bastrop.

and a few authorized the appointment of vigilance committees. The general object of the associations, as given in an address on the purposes of such organizations by a committee appointed by the Travis County association, was to secure the permanent success of the national Democratic party, whose effort had always been to protect the national rights of the South from outrage, to elevate the condition of the people, to extend and strengthen Southern institutions, and to protect Southern rights when threatened with violence.<sup>19</sup> The duties of vigilance committees were of a general nature. For instance, the chairman of the Cass County convention was authorized to appoint a vigilance committee whose duty it should be to perform all things necessary to further the cause against "Know-Nothingism" and "abolitionism;" and the chairman of the Freestone County convention was authorized to appoint a vigilance committee of twenty-five to act in concert with the Democratic association.

The legislature of 1855 reflected the general feeling of resentment against Houston for working against what the people considered their interests. According to the Austin correspondent of the *Galveston News*, nearly everything connected with the history of the Compromise of 1850, the fugitive slave law, and the record of Houston was under discussion. Not even Houston's personal friends sustained him in his course.<sup>20</sup> After much heated discussion the legislature, by a vote of seventy-three to three, adopted the following resolution, disapproving of Houston's vote: "Be it resolved by the legislature of the State of Texas, that the legislature approves the course of Thomas J. Rusk, in voting for the Kansas-Nebraska Act, and disapproves the course of Sam Houston, in voting against it."<sup>21</sup> As a further indication of its approval of Rusk's position on the Kansas-Nebraska bill, the legislature, more than a year before his term expired, unanimously re-elected him to the United States Senate for another term of six years, from March, 1857.<sup>22</sup> Houston found it necessary to visit the legislature and justify his action. On November 23, 1855, he delivered an address before the legislature wherein he explained

<sup>19</sup>*Ibid.*, December 1, 1855.

<sup>20</sup>*Galveston News*, November 27, 1855.

<sup>21</sup>*State Gazette*, December 1, 1855.

<sup>22</sup>*Ibid.*, November 27, 1855.

his vote by saying that Texas, in accepting the resolutions of annexation, recognized the Missouri Compromise, and that he therefore considered himself bound to vote with the North in maintaining it.<sup>23</sup>

The Texas press watched closely the development of the trouble between the anti- and pro-slavery factions in Kansas. The situation was fully and freely discussed. The anti-slavery element was designated as "blood thirsty free-soilers," and extracts from letters telling of atrocities committed by the free-soilers upon the peace-loving pro-slavery men who dared protect their property were reprinted from other Southern papers. During the summer of 1856, a circular addressed to the Southern states by the managers of the Lafayette Emigration Society of Missouri was published in the newspapers. It advocated prompt and decisive action, if Kansas was to be saved to slavery.<sup>24</sup>

When the men active in public affairs of the state met again in convention at Austin in 1856, they further expressed the sentiments of the party in regard to the Kansas situation as well as in regard to slavery. The members of the convention maintained that the abolitionists of Kansas, fostered, supported and encouraged by the abolitionists of the Union, attempted to control the government, and that this course was at war with the principles of the constitution, and subversive of free government. They further sympathized with the citizens of the slaveholding states in their efforts to induce real settlers to become citizens of the territory, and asserted that the citizens of Missouri who had immigrated into the territory deserved the gratitude and warm support of all the friends of the Union and the Constitution.<sup>25</sup>

Lorenzo Sherwood, of Galveston, was rejected as a delegate by the convention because of a speech he delivered in the house of representatives a short time before. It was considered anti-Southern in sentiment, for he had asserted that slavery was an evil in the abstract, although the institution was the best that could be devised for white and black. He also thought Congress had a right to deal with slavery in the territories.<sup>26</sup> His own con-

<sup>23</sup>*Ibid.*, December 4, 1855.

<sup>24</sup>*State Gazette*, May 10, 1856.

<sup>25</sup>*State Gazette*, January 26, 1856.

<sup>26</sup>*Galveston News*, January 26, 1856.

stituents, also, after fully considering the sentiment expressed in his speech, repudiated him, and demanded his resignation. They charged that he was false to his declarations and professions made at the time he was elected; that he had forfeited their confidence and respect; and that they had been mistaken in their belief that he was not only a high-minded, honorable, intelligent and truthful gentleman, but also sound on the subject of slavery.<sup>27</sup>

The convention adopted the platform of the national convention of 1852, as embracing the only doctrine which could preserve the integrity of the Union and the equal rights of the states.<sup>28</sup> They further endorsed the Kansas-Nebraska act as "a triumph of the constitution over fanaticism and sectional madness," and maintained the equality of the states and the rights of slavery to protection in the territories until such territory should be admitted as states into the Union.<sup>29</sup> That the radical leaders were becoming intolerant of opposition to their ideas on the subject was shown in other action taken by the convention rather than in its

<sup>27</sup>*Ibid.*, December 8, 1855.

It appears in this instance, however, that it was not Mr. Sherwood, but rather his constituents who had changed their views on the subject. Mr. Sherwood had expressed the same views in 1848, and they were printed in the *Galveston News* at the time.

The *Gazette* styled Sherwood a mere visionary, and in reviewing his speech concludes that "Mr. Sherwood's views are not only false in conception, and gratuitously inflicted upon us, but they are uncalled for, by a Southern community amply able to know and appreciate their rights. With some pretension to historic greatness in the calendar of statesmen, the South is yet fully able to sustain himself without the aid of Northern theorists of society, who may volunteer to teach us our duties on the subject of slavery."—*State Gazette*, December 1, 1856.

<sup>28</sup>The national Democratic platform, adopted at Baltimore in 1852, reaffirmed Resolutions 1, 2, 3, 4, 5, 6, and 7 of the platform of 1848, which placed the trust of the American Democracy in the intelligence, the patriotism and the discriminating justice of the American people; asserted its belief in a strict construction of the constitution; declared that the federal government had no power to carry on a general system of internal improvements; to assume the debts of the several states; to cherish the interests of one section of the country to the injury of another portion, etc. In regard to slavery the platform denied that Congress had any power to interfere with or control the domestic institutions of the several states; declared that the party would abide by the compromise measures of 1850, and would resist all attempts at renewing the slavery agitation; would uphold the principles of the Virginia and Kentucky resolutions, and uphold the war with Mexico as just and necessary.—T. H. McKee, *The National Conventions and Platforms of all Political Parties*, 74.

<sup>29</sup>*State Gazette*, January 7, 1856.

platform. A resolution to censure Houston because of his attitude toward the Kansas-Nebraska bill was adopted. The first resolution offered was very severe and caused much discussion. The following substitute, offered by Judge Oldham, was unanimously adopted:

"Resolved, that this convention do most fully and cordially endorse and approve the votes of Senator Rusk and Representatives Geo. W. Smyth and Peter H. Bell upon the Kansas-Nebraska act, and that we do further most decidedly disapprove the vote of Senator Houston upon said act, as not in accordance with the Democracy of Texas."<sup>30</sup> And, according to the *State Gazette*, the organ of the Democrats, the convention was heartily endorsed by the leading newspapers of the State, as well attended, harmonious and enthusiastic, and as having well and nobly performed its duty in adopting the platform as it did.<sup>31</sup>

### 3. *The Gubernatorial Campaign, 1857*

The state campaign for the governorship in 1857 began in 1856. Names of desirable candidates as nominees for governor began to be suggested by the newspapers in the fall of that year. Even Houston's name, as that of a possible candidate, loomed up, and the *Southern Intelligencer* took upon itself to warn the people against him. This newspaper declared that if the people agreed upon any one subject it was in their approval of the repeal of the Missouri Compromise, and in their condemnation of all who did not favor that eminently Southern measure; but that General Houston had opposed that measure, and, more than that, he had defended his action with all the arguments employed by the Black Republican party.<sup>32</sup>

The next year witnessed the beginning of the real struggle between Houston and his opponents for the good will and support of the people. The first fully organized Democratic state convention held in Texas for nominating state officers was held at Waco in May, 1857. In order to unite and bind the Democrats together in the canvass against Houston and his adherents for the governorship and other positions in the state, a resolution was

<sup>30</sup>Lubbock, *Six Decades in Texas*, 202.

<sup>31</sup>*State Gazette*, February 23, 1856.

<sup>32</sup>*Southern Intelligencer*, December 10, 1856.

adopted pledging the delegates to support the nominees of the convention.<sup>33</sup> Hardin R. Runnels and Frank R. Lubbock were nominated for governor and lieutenant-governor, respectively. Lubbock canvassed the entire state before the election. Houston and Jesse Grimes, as independent Democrats, announced themselves as applicants for the governorship and lieutenant-governorship, respectively. The canvass of 1857 was styled "Houston versus Democracy." Many bitter and acrimonious speeches were delivered during the summer. The attack on Houston by the opposition press was severe. His whole record as United States Senator was reviewed, and condemned. He was accused of vindicating before the Senate a petition of three thousand New England abolition clergymen, and of voting against all bills in the interest of slavery; of blaming the frontier settlers for the Indian outrages; of preaching submission to Fremont; of advocating secret political conventions; and of using the Baptist Church for the purpose of advancing his political prospects.<sup>34</sup> Houston was supported by the Union Democrats and the remnants of the Whig and Know-Nothing parties. The struggle culminated in the election of Runnels and Lubbock by nearly ten thousand majority. The people had not yet forgiven Houston for his support of the Kansas-Nebraska bill.

One of the duties of the seventh legislature, that met November 2, 1857, was to elect two United States Senators, one to fill the unexpired term of Senator Rusk who had recently died, and another to fill Senator Houston's place whose term would expire in 1858. Houston stood for re-election, but the pro-slavery Democratic strength was too great. John Hemphill received the caucus nomination and was elected.

<sup>33</sup>"Resolved, That this convention will support no person as a nominee for any office or place of trust unless fully satisfied by his acts and declarations, or the assurance of his friends to the convention, that he is fully united with the Democratic party upon all the issues now existing between them and their opponents, and that such nominee shall abide the decision of this convention and support all the nominees with zeal and fervency."—Lubbock, *Six Decades in Texas*, 209.

<sup>34</sup>*State Gazette*, July 1, 1857.

#### 4. *The First Threats of Secession*

After their victory in 1857, the Democratic leaders became bolder in their pro-slavery declarations and in their denunciations of the federal government. Governor Runnels was an extreme state rights man, and his inaugural speech represented the views held by his party in regard to the slavery controversy. He severely condemned Governor R. J. Walker's attitude in the Kansas troubles, accusing him of betraying his official trust and of trying to make Kansas a free state for everybody but Southerners with their property. He advocated a liberal policy in regard to the organization of state militia. And he openly advocated secession as the remedy if the trouble in Kansas should not be settled in a manner satisfactory to the South. Again, in his message to the legislature in January of 1858 he gave a history of the struggle in Kansas, and added that the Northern states had increased their obstructions to the operation of the fugitive slave law. In his opinion the North was determined to defeat the federal government in its attempts to protect Southern rights. **He** recommended that the legislature pass resolutions declaring the sentiment of the people in Texas in regard to Northern aggression, and that it provide a way by which Texas could co-operate with the other Southern states in protecting their rights.<sup>35</sup> The legislature responded with the resolutions suggested, and to meet his second recommendation authorized the governor to order an election of seven delegates to a Southern convention, whenever a majority of the other slaveholding states should think such a convention necessary. Ten thousand dollars was appropriated to defray the expenses of such delegates. But if it should become necessary for Texas to act alone, the governor was authorized to call a special session of the legislature in order that it might call a convention.<sup>36</sup>

But a more radical measure had been proposed a little earlier in the year by Judge T. J. Chambers, an influential leader of the party in the state convention. He advocated withdrawal from the Union in case the federal government should try to embarrass, delay, or defeat the admission of Kansas as a member of the Union on any pretext referring to slavery, as such an act would

<sup>35</sup>*Ibid.*, January 23, 1858.

<sup>36</sup>Bancroft, *North Mexican States and Texas*, II, 425.

be an usurpation of power and a violation of the compact of the Union. Sister states of like sentiment were invited to join Texas.<sup>37</sup> The resolution was tabled; nevertheless, it expressed the feeling of many of the Democratic leaders who were shaping public opinion in Texas. This process of moulding public opinion to the maintenance of state rights in regard to slavery at any cost had been going on for some years. Many of the influential newspapers were controlled by the radical element in the state, and they exerted themselves to the utmost in shaping public opinion.

#### 5. *The Question of Re-Opening the African Slave Trade*

The policy of reopening the African slave trade was at this time gradually coming to be advocated as a necessary economic measure. The supply of slave labor did not equal the demand; hence slaves were very expensive and the agricultural pursuits of the South suffered in consequence. The pro-slavery leaders were uneasy lest the border states of Virginia, Maryland, and Kentucky should become free soil by the gradual exodus of slaves to the cotton regions further south. This movement would continue as long as the high price of negroes was protected against a foreign supply, and it would mean the certain transfer, eventually, of these states to the ranks of the freesoilers. Moreover, slavery, it was argued, was a benign institution, just as good for the negro as for the white man. On the platform and in the press the institution was defended on economic, religious, social and moral principles, until gradually the people came to look upon it in that light; and when they believed it threatened by the North they were ready to resort to arms in its defense.

As early as 1856, the *State Gazette* began to note closely all discussions relating to the reopening of the slave trade that took place in the other Southern states. It not only quoted liberally from the press of these states, but gave its own opinions freely. For instance, in an editorial of March 1, 1856, the editor of the *Gazette* commenting on a discussion in the Georgia legislature on the question of repealing all laws obstructing the importation and sale of slaves in Georgia, said that discussion was a very good move, because all laws interfering with the freedom of trade were wrong,

<sup>37</sup>Lubbock, *Six Decades in Texas*, 233.

and that the law of supply and demand should control every department of commerce. "Indeed we would urge, if practicable, the importation of negroes from Africa, and it would not only improve their physical condition but add to their happiness, while at the same time subserving the purposes of civilization in our own country."<sup>38</sup> From that time the question was never lost sight of. The *State Gazette*, perhaps one of the most influential papers in the state, did all in its power to mould public opinion in its favor. By 1858 slavery, according to this paper, had become both just and expedient, in accordance with divine law, and a moral, social, and political blessing. It argued that there were not enough slaves in the South, and that every planter in Texas felt the want of slave labor; that this want of labor cramped the energies and diminished the resources of the planters and retarded the general prosperity of the state.<sup>39</sup> The *Highland Eagle*, a Bell County newspaper, urged the *Gazette* to spread far and wide the truths as to slavery, its divine origin and beneficent effects. It further urged all papers to do the same, and then, according to this zealous advocate of slavery, "we shall in good time be the most united and the strongest people on earth."<sup>40</sup>

With advocacy of the reopening of the African slave trade went hostility to the opponents of such trade. Interspersed with articles on the slave trade and cheap slaves, in the *Gazette*, were such editorials as "The True Status of Northern Opposition," "Democracy and Black Republicanism," "What the South Should Do," "The Wiles of the Enemy," "Black Republican Exultation over Defeat of the Kansas Bill," "Our Duty to Defend the Rights of the South to the Last Extremity," "Wither are we Drifting?," and "Beauties of Negro Equality."<sup>41</sup> Such titles occur frequently, particularly in the *Gazette*. Under such guidance a considerable portion of the population had come by 1859 to be in favor of reopening the slave trade. Evidence of this is seen in resolutions adopted by county conventions during the year. There can be no doubt, either, but that the question was an issue in the gubernatorial

<sup>38</sup>*State Gazette*, March 1, 1856.

<sup>39</sup>*State Gazette*, December 18, 1858.

<sup>40</sup>*State Gazette*, July 17, 1858.

<sup>41</sup>There are four long articles on the slave trade in the *State Gazette*, February 12, 1859.

torial contest of that year, and that many of the Democratic leaders advocated the measure. John Marshall, for instance, the editor of the *Gazette*, in which very many editorials and other articles on the slave trade appeared, was chairman of the state Democratic committee and called the convention to meet at Houston in 1859. And naturally, the people who were in favor of the reopening of slave trade were also in favor of the extension of slave territory.

That the proposition to reopen the slave trade was a real issue is further indicated by the records we have of the opposition to it. The De Witt County convention, for instance, took a strong stand against the slave trade; declared it piracy and forbade its delegates voting for any such measure. This sentiment was very general in the Guadalupe valley.<sup>42</sup> The Galveston delegates were likewise instructed to vote against the adoption of any and all platforms which in any way would tend to the reopening of the African slave trade. Victoria County advised against the introduction of any new planks into the platform, especially upon the subject of the African slave trade, because if introduced into the platform, they would tend to divide, distract, disorganize and defeat the party.

Many counties advocated the acquisition of Cuba on any terms.<sup>43</sup> Some were silent on both questions, Ellis County merely upheld the constitution and the Union. The convention of Madison County believed that the constitution as interpreted in the Dred Scott decision secured to every American citizen the right to make his home in any of the common territory, and to protect him in the peaceable possession of any species of property that was recognized as such at the time of the adoption of the constitution, and that no legislative body had the power to disturb that right. The Parker County convention condemned the act of Congress making the African slave trade piracy; denounced abolition, Black Republicanism, nullification, secession and disunion, as elements of discord and distraction having a common tendency to weaken the bonds of the Union, and declared that every lover of his country should be found in united opposition to them. The resolutions of the convention of Guadalupe County declared slavery

<sup>42</sup>*Ibid.*, April 9, 1859.

<sup>43</sup>Among these counties were Leon, Guadalupe, Madison and Bastrop.

a social and political blessing and morally right; it could therefore see no reason why the Southern people should not have the privilege of purchasing slaves in the best market, and concluded as follows: "Should the Houston convention fail to endorse the proposition now made in various portions of the state, to-wit: The reopening of the African slave trade, then the delegates appointed by this meeting to attend said convention be hereby requested to express in plain terms their disapprobation of such a course."<sup>44</sup> The Gonzales County convention resolved that the right of Congress over the slave trade was doubtful, and should not be exercised by that department; that this right should be left to the sovereignty of the states to determine for themselves; that laws making the slave trade a piracy were unconstitutional; that slavery as practiced in the Southern states was a humane and beneficent institution, and that the African slave trade as the source and necessary concomitant of slavery was morally right. The delegates were instructed to introduce and advocate measures for the introduction into the Southern states of slaves from abroad.<sup>45</sup> The resolutions by the Fort Bend convention were probably the most radical of all those passed during the year. That convention declared that all congressional acts inhibiting the African slave trade, though not unconstitutional were, nevertheless, a standing reproach and an offensive stigma upon the institution of slavery, which in the South was regarded as a great and signal good, both to the white and negro race, and clearly defensible upon religious, social, and moral grounds. All laws prohibiting the trade were declared subversive of the leading interests of the slave states, oppressive in their bearing, and deserving of prompt repeal. And it concludes that as this could not be done, because the anti-slavery element in the North controlled the federal government and refused to grant to the South any measure that would be to her interest: "That we not only consider it expedient but excusable to disregard the obnoxious acts in question, and that we especially commend the public spirit, liberality and enterprise of those by whom the voyage of the 'Wanderer' was projected and consummated. And that

<sup>44</sup>*State Gazette*, April 30, 1859.

<sup>45</sup>*Ibid.*, April 9, 1859.

so far from that act of 'piracy' receiving condemnation by us, we accord it our unqualified countenance and approval."<sup>46</sup>

6. *The Gubernatorial Campaign of 1859*

The issue in the gubernatorial election of 1859, so far at least as the leaders were concerned, was "union" or "disunion." The platform adopted by the Regular Democrats at Houston endorsed all the old planks in both the national and state platforms, and then declared the Dred Scott decision to be a true exposition of the constitution, and that the Democrats were in favor of the acquisition of Cuba as imperatively necessary to their self protection. A resolution favoring the reopening of the slave trade was, after much heated discussion, tabled by a vote of two hundred twenty-eight to eighty-one, and a resolution condemning the same measure was tabled unanimously.<sup>47</sup> Runnels and Lubbock, exponents of the pro-slavery and anti-union doctrine, were nominated for their respective positions.

It seems that the Unionist forces had no definite organization. But at a public meeting at Brenham, Houston and Edward Clark were nominated by acclamation. Houston accepted the nomination in a letter in which he declared himself a National Democrat and announced that the constitution and the Union embraced the principles by which he would be governed if elected. He declared that they comprehended all the old Jackson National Democracy he had ever professed.<sup>48</sup> In it he promised protection to the frontier, protested against the reopening of the African slave trade, extolled the federal union, denounced his opponents and appealed

<sup>46</sup>*State Gazette*, April 9, 1859.

The *Wanderer* was a yacht that landed over three hundred negroes at Brunswick, Georgia, in the summer of 1858. They were sent up the river and distributed throughout the state. The captain and owner of the yacht was indicted, but no jury could be found that would convict him.—Rhodes, *History of the United States from the Compromise of 1850*, II, 368.

<sup>47</sup>Lubbock, *Six Decades in Texas*, 244. Speeches on the reopening of the slave trade were made by Messrs. Chilton, Wiley, Thomason, McLeod, Cone, Kittrell, Walker, Shepherd, Herbert and Scott. *State Gazette*, May 14, 1859. Neither Lubbock nor the *Gazette* quotes the resolutions offered by Messrs. Chilton for and Palmer against the reopening of the slave trade.

<sup>48</sup>*Ibid.*, 248.

with great effect to his old comrades of 1836. The campaign that followed was very bitter. Against Houston were arrayed the whole party machinery, most of the prominent public men and nearly all of the influential newspapers. Houston was again subjected to all the abuse that had been heaped upon him in the former canvass. Because of his votes in the Senate on the slavery measures, and because of his attitude toward the New England ministers, he was accused of betraying the state and the South to further his ambition to attain the presidency. Houston conceived the entire system of conventions to be inconsistent with Democratic principles and subversive of the rights of the people. This attitude toward the framework of the state rights party which was believed to be the only bulwark between the people and northern aggression as well as his affiliation with the Know-Nothing party was made the occasion for abusive articles by the opposition press.<sup>49</sup> Old charges of insincerity, immorality, and cowardice from the days of the Texas revolution were reopened, emphasized, and spread broadcast throughout the state. Houston and his adherents, in their turn, accused the Democratic leaders of disunion and treason and of advocating the reopening of the slave trade. Governor Runnels's frontier policy was attacked with great vigor, for both the Indians and Mexicans were very troublesome, and Runnels had not been able to keep them in check. That the reason for such a state of affairs, was probably more the fault of the United States government than of the governor, the people did not see. Houston had been fairly successful in his dealings with the Indians when he was at the helm of state affairs, and this fact no doubt, as well as his great personal popularity with the common people, played an important part in his overwhelming victory, at the polls in 1859.

Houston announced his candidacy in nearly all the anti-Democratic papers as follows:

"Announce Sam Houston as a National Democrat, a consistent supporter of James Buchanan in his struggle with Black Republicans, and the little less dangerous Fanatics and Higher Law men at the South, as candidate for Governor." During the whole bitter controversy and everywhere he went, Houston made eloquent appeals for the preservation of the Union.

<sup>49</sup>*State Gazette*, July 1, 1857.

That the struggle was a fight principally between the lovers of the Union and those who wished to secede, was also shown in the position John H. Reagan assumed toward the movement, and by the abuse he received in consequence, as well as by the fact that the Democratic nominees were placed on the defensive in the campaign. Reagan was forced by Guy M. Bryan to give in Congress his views of the situation. Reagan declared himself against sectionalism, the demoralizing doctrines of filibusters, and the dangerous heresy of reopening the slave trade. As soon as the contents of this speech became known in Texas, the Democratic press charged him with being too national for a proper representative of a Southern constituency, and heaped upon him vile personal abuse. As a result of this he decided to stand for re-election, went to Texas, and was re-elected by a large majority over his opponent, William B. Ochiltree.<sup>50</sup>

The *Texas Enquirer* upheld the Democratic party against the *Southern Intelligencer's* accusation that the party favored secession. It maintained that no word had been spoken by any man of any prominence in the state connected with the Democratic party about secession as a probable event, or as anything likely to occur, at least not unless the same should be forced upon the South as a choice between remaining in the Union with positive disgrace on the one hand, and of going out of it on the other hand.<sup>51</sup>

Lubbock also was forced to defend his position on the subject of the slave trade. In an open letter to the editor of the *Galveston Union*, he stated that he had been renominated by a convention that had emphatically rejected a resolution in favor of reopening the slave trade. In an open letter to the chairman of the state executive committee, endorsing Lubbock's letter Governor Runnels says: "I am now, as I have ever been, for the Union under the constitution and the strict maintenance of the suprem-

<sup>50</sup>Reagan says in his *Memoirs*, page 71, that the Texas newspapers were so full of abuse that he was forced to burn the papers that reached him to keep his wife from seeing them. Being in doubt whether he should stand for re-election and wishing to know his wife's views on the subject, he finally let her see the papers and explained to her the reason for such an unwarranted attack. She immediately advised him to return to Texas and stand for re-election.

<sup>51</sup>*State Gazette*, June 11, 1859.

acy of the laws; and I do not consider that there is any cause for a dissolution of the Union at this time."<sup>52</sup> It seems that the primary object of the Democratic leaders at this time was to preserve their rights in the Union if they could; but at the same time they were preparing the minds of the people for the idea of withdrawing from the Union should a situation arise in which these rights would be threatened. That such might be the case in the near future, it took no seer to discern. The final crisis seemed to depend upon the presidential election the following year. Houston had always been a state-rights man, and although he himself upheld the federal doctrine that secession meant revolution, both he and his adherents firmly believed that it was a matter of expediency to remain in the Union, that the rights of the state could be better preserved in the Union than out of it. The Democrats, on the other hand, held that the state had a right to secede, and that to secede would probably soon be a wise course to pursue. The outcome of the election was a decisive defeat for the party which had controlled the affairs of the state since 1845, as far as congressional representation and the governorship were concerned. But this did not necessarily imply that the sentiment of Unionism had triumphed in Texas. As has already been stated, there were other factors that played an important part in the election. And the Democratic party had by no means been defeated, for the Democrats still controlled both houses of the legislature.

What Union sentiment there was in Texas in 1859 received a rude shock in the John Brown raid at Harper's Ferry. This was fully believed to be a premeditated attack by Northern abolitionists upon the institutions of the South; and the result was soon seen in Texas. Louis T. Wigfall, one of the most radical men in the state, and Houston's most bitter opponent, was elected to the United States Senate just before Houston's inauguration. According to one leader the election was due to the resentment against the Harper's Ferry outrage, and there are indications that this opinion was shared by many.<sup>53</sup> To elect him, however, a party caucus was necessary. Since Wigfall at the time was a member

<sup>52</sup>Lubbock, *Six Decades in Texas*, 247.

<sup>53</sup>Roberts, *Political, Legislative, and Judicial History of Texas*, etc., in Wooten (editor), *A Comprehensive History of Texas*, II, 56.

of the state senate, it also became necessary to reinterpret a clause in the state constitution referring to the ineligibility of a member of the legislature to any other office.<sup>54</sup>

Immediately after his election, Senator Wigfall addressed the legislature on the all-absorbing question of the day. In his opinion Congress under the power to regulate commerce had no right to declare any branch of trade piracy. He reprehended the attempt he had seen to read Democrats out of the Democratic party because they held opinions favorable to the reopening of the slave trade. He denied the right of Congress on principle to prohibit either the foreign slave trade or the slave trade between the states, and as for himself, he was a Southern rights man, a state rights man, and a Democrat.<sup>55</sup> This speech was highly commended as representing the views of the regular Democrats.

Governor Runnels in his last message to the legislature also proclaimed the views of the party and foreshadowed the final result of the movement now fully inaugurated by the leaders of the secession movement. He upheld the doctrine of state sovereignty, and doubted very much that the general government would be able to uphold and protect the rights of the South. He thought that as soon as it should become evident that the United States could

<sup>54</sup>Lubbock, *Six Decades in Texas*, 258.

Judge Roberts in speaking of Louis T. Wigfall says "that he has been conspicuous in the advocacy of the principles of 'state rights' ever since he left South Carolina and moved to Texas, about a year previous to that time." *A Comprehensive History of Texas*, 57. In his dates, however, Judge Roberts seems to be in error; Louis T. Wigfall was in the Texas legislature, 1849-50; a member of the state senate, 1857-60, and had been the leader of the ultra-radical element in the state since 1848.—*Appleton's Cyclopaedia of American Biography*, VI, 499.

F. R. Lubbock, after defending the action of the legislature in regard to Wigfall's election, adds: "Besides all this, I should have stated that Wigfall resigned his seat in the State Senate before the balloting began for United States Senator." The balloting took place December 5, 1859.

However, I find in the "Journal of the Senate" of the eighth Texas legislature, page 311, the following letter:

"Executive Office,  
Austin, December 28, 1859.

"Gentlemen of the Senate:

I have the honor to inform your honorable body, that the Hon. Louis T. Wigfall, of Harrison county, has this day tendered to me his resignation as Senator from this district, and that said resignation has been accepted. . . .

H. R. Runnels."

<sup>55</sup>*State Gazette*, December 10, 1859.

not do so, the only thing for the Southern States to do would be to co-operate in protecting themselves. In conclusion he said:

If there can be no longer unity and harmony of sentiment, if the Southern people are no longer to look to it [the federal government] as the chief reliance for the maintenance of their equal rights, their internal peace and security, the sooner it is known the better. They should neither cheat, nor should they submit to be cheated. I therefore recommend a clear and unequivocal expression of opinion by the legislature on the subject. Equality and security in the Union, or independence outside of it should be the devout conviction, that if guided by wisdom, prudence, sagacity and patriotism, the Divine Being will smile on your councils, and that all may yet be well.<sup>56</sup>

Governor Houston soon learned that his task would be an extremely difficult one. All the criticism, disparagement, and party animosity exhibited by the Democratic party during the campaign continued. He had learned before he entered upon his duties as Governor that the legislature was hostile, and he was soon to learn that the Democratic leaders were determined that the state should withdraw from the Union, no matter what action he took to prevent it.

Houston at his inauguration confined the greater part of his speech to local affairs. In regard to the slavery controversy he said he hoped that the federal government would soon attain a happy result in preserving the constitution and the Union, notwithstanding the present discord between the two sections. He then strongly advised against heated controversies that would only aggravate the evil.<sup>57</sup>

In his first message he was very conciliatory. He was glad that the masses in the North were willing to abide by the constitution and put down the fanatical efforts of the abolitionists who were endangering the safety of the Union. He hoped their efforts would terminate the slavery agitation. And in conclusion he declared that the people,

satisfied that the men whom they elected at the ballot box to represent them in Congress will bear their rights safely through the present crisis, they feel no alarm as to the result. Texas will main-

<sup>56</sup>Roberts, in *A Comprehensive History of Texas*, II, 63.

<sup>57</sup>*Ibid.*, II, 64.

tain the constitution and stand by the Union. It is all that can save us as a nation. Destroy it and anarchy awaits us.<sup>58</sup>

7. *The Legislature on the South Carolina Resolutions*

Soon after this Houston received the South Carolina resolutions on federal relations. These expressed the sentiment of South Carolina on the loss of Kansas to slavery and on the Virginia raid by John Brown. In the preamble the right of secession was affirmed. The resolutions recommended immediate and united action by the Southern states, and requested them to appoint deputies and adopt measures to promote a Southern convention.<sup>59</sup> On the receipt of these resolutions, Governor Houston sent them, together with a special message, to the legislature. The whole message was devoted to the exposure of the fallacy of the doctrines of nullification and secession. He maintained that the action of South Carolina was without just cause; that even if there were no constitutional objections to the course suggested by the resolutions, no advantages could be gained by the Southern states in seceding from the Union; that the same evils would remain, and there would be no federal government, able and willing, to maintain the rights of the state; that the ungenerous assaults by the North upon slavery would exist from like passions and like feelings under any form of government; that the only hope for the country was in the constitution and the Union; and he made a passionate plea for these against the fanatics in the North and the scheming, designing, and misguided politicians in the South. He recommended that resolutions be adopted dissenting from the assertion of the abstract right of secession and refusing to send delegates for any existing cause, and finally urged upon all the people, North and South, the necessity of cultivating brotherly feeling, observing justice and attending to their own affairs.<sup>60</sup> Although no final action was taken by the legislature upon the South Carolina resolutions and the governor's recommendations, majority and minority reports were submitted by the committees to which they had been referred. These reports show that the leg-

<sup>58</sup>*Ibid.*, 65.

<sup>59</sup>*Journal of the Senate*, 1859-60, 342.

<sup>60</sup>*Ibid.*, 1859-60, 354.

islature in the spring of 1860, although strongly Democratic, was by no means unanimous as to what action should be taken by the state. That no definite action was taken indicates that the legislature did not at that time consider the situation very grave. The committee appointed by the senate unanimously agreed that the state was determined to preserve, adhere to, and defend the Union and the constitution, but the committee differed as to the way it should be done, differed in abstract political opinion, and differed as to the kind of resolutions the legislature should adopt. The majority report, while maintaining the doctrine of the right of state defence against aggression, expressed a firm resolve to defend the constitution and support the Union. The attempt of the Black Republicans to gain control of the federal government for the purpose of abolishing slavery was declared unconstitutional. And the committee called upon the other states to show their devotion to the constitution by defeating that party in the coming federal election.<sup>61</sup> The minority report did not admit the constitutional right of secession. Secession was declared to be a revolutionary act justifiable only when the federal government showed itself incapable of protecting the essential rights of the states; nothing so far had occurred to justify such a revolutionary act; hence Texas considered the South Carolina resolution premature and unnecessary, and declined to appoint deputies to a meeting of the slaveholding states. But the committee also maintained that if the federal government should become powerless to protect the rights of the states, the Union would no longer be worth maintaining, and that then Texas would again, as in 1836, raise the revolutionary standard,—but, it declared, "Texas has an abiding confidence in the conservative spirit of the American people, and in the continued preservation of the Constitution and the Union."<sup>62</sup>

In the house the majority report upheld the right of secession and declared that Texas would not submit to the degradation of being ruled by the Black Republican party, but would rather assert her independence. It pledged Texas to co-operate with the other Southern states, if it should become necessary to resist the federal wrongs. The minority report, on the other hand, denied

<sup>61</sup>*Ibid.*, 525.

<sup>62</sup>*Ibid.*, 526.

the right of secession, and declared that none of the present alleged evils could be ascribed to the legitimate operations of the federal government, being chargeable to the disloyalty of those who, by obstructing the laws and authorities, were themselves the enemies of the Union; that a dissolution of the Union could cure no evils; that it was inexpedient to send deputies to a convention of slave-holding states, and that there was not sufficient cause to justify Texas in taking any step looking toward the dissolution of the Union.<sup>63</sup>

The ultra-radical members of the house took exception to the governor's message, and eight members protested against printing it, alleging that the governor based his message on a false hypothesis, namely, "that there is a nullification and disunion element existing in the South, without any real cause and from choice"; that there are persons, "who fan the flame of discord and magnify imaginary evils into startling realities—confounding the language of individuals with the acts of government itself"; that there are persons who "desire disunion," and so on. This they considered a grossly incorrect imputation upon the patriotism of the South which might cause the people of the North to believe that the South would tamely and unconditionally submit to them under any and all circumstances.<sup>64</sup>

But this legislature, which in 1860, merely expressed its opinion in regard to the national controversy, co-operated fully with the secession convention the following spring.

When Houston took his seat as governor, the political situation was tense throughout the country. The Compromise of 1850 had stayed for only a short time the progress of the slavery agitation, and with the passage of the Kansas-Nebraska act the contest again became serious. The civil war in Kansas, and the winning of the territory by the freesoilers in 1859, engendered hatred between the two sections. The refusal of the North to abide by the Dred Scott decision, as well as John Brown's raid, fanned the flame of the secession movement in the South. The North was on the offensive, and determined that slavery should extend no further. The South was on the defensive and fully as determined

<sup>63</sup>*House Journal*, 1859-60, 637.

<sup>64</sup>*Ibid.*, 535.

that the solution of the slavery problem should be left to the South. In the event the North should succeed in barring slavery from the territories, the South believed it would soon attempt to do the same thing in the states. And, if the constitution could not protect the Southern states in their constitutional rights within the Union, they would protect themselves outside of the Union. The entire time of the thirty-sixth Congress was devoted to heated debates between anti-slavery and pro-slavery agitators. The Northern members accused the Southern members of favoring and planning disunion, and were in turn, charged with refusing to enforce the fugitive slave law and to respect the Dred Scott decision.

The leaders of the Texas democracy were just as alive to the situation as any of their Southern brethren. And, as it was a presidential year, the political excitement was great. The task of the South was to secure the nomination of a presidential candidate who favored Southern interests, and who at the same time might be strong enough throughout the country to defeat the Black Republican candidate. The Texas state Democratic convention convened at Galveston in April for the purpose of electing delegates to the national convention at Charleston. The platform adopted looked entirely to the national political situation. It again endorsed the principles of the Cincinnati platform of 1856, and the Virginia and Kentucky resolutions; denied that Texas had given up any portion of its sovereignty in becoming a member of the Union; that in case of encroachment of the central government upon its sovereignty, Texas alone should judge of such encroachment; that Texas possessed the right as a sovereign state, to annul the compact, to revoke the powers it had delegated to the federal government and to withdraw from the Union; that every citizen had the right to move his property into any of the common territory, and to have it protected there under the federal constitution; that while Texas was attached to the Union, the election of a sectional president would force the state to hold itself in readiness to co-operate with the other Southern states in adopting such measures as might be necessary for protection. The resolutions further maintained that the government was founded for the benefit of the white race, and concluded as follows:

"We regard any effort by the Black Republican party to disturb the happily existing subordinate condition of the negro race in the South as violative of the organic act guaranteeing the supremacy of the white race, and any political action which proposes to invest negroes with social and political equality with the white race, as an infraction of those wise and wholesome distinctions of nature which as testified by all experience were established to insure the prosperity and happiness of each race."<sup>65</sup>

That the leaders of the secession movement had become intolerant of any opposition that might tend to block their progress, was shown here also in the expulsion of W. W. Leland, of Karnes County, who was charged with entertaining abolition sentiments.<sup>66</sup>

<sup>65</sup>*True Issue*, April 13, 1860.

<sup>66</sup>According to the Galveston correspondent to the *Gazette*, Mr. Leland professed to have recanted, but the testimony of several men who had observed his movements showed the contrary. According to the same correspondent, "It was a remarkable instance of audacity and, considering all things, his treatment was exceedingly humane."—*State Gazette*, April 14, 1860.

## SOUTHERN OPPOSITION TO THE ANNEXATION OF TEXAS

ELIZABETH HOWARD WEST

Evidence has recently come to light which has a tendency to dispel the once prevalent impression that the South unanimously called for the recognition and annexation of Texas "as soon as the subject was presented." It is possible, even probable, that a majority of Southerners did favor the annexation of Texas during the whole period when the matter was under discussion; yet it is now clear that the demand was not universal.

It has already been pointed out<sup>1</sup> that "in his message to the South Carolina legislature near the end of the year 1836, the retiring governor, George McDuffie, protested strongly against any action in behalf of Texas. . . ."

Indication of widespread opposition is found in a letter of William H. Wharton, minister of Texas to the United States, written from Kentucky on December 11, 1836, to Stephen F. Austin, Texan secretary of state:<sup>2</sup>

. . . In regard to our annexation both friends and foes bitterly oppose it. . . . Our friends by which term I mean those of Louisiana, Mississippi, Kentucky, etc. (for I have seen and conversed with no others as yet) oppose our annexation, on the grounds that a brighter destiny awaits Texas. That she would be more happy and prosperous and glorious as an independent nation than as a portion or tributary of this. That in such a situation she would soon complain of and be oppressed by high Tariffs and other Northern measures. That we would be driven to nullification, secession, etc., and be thus involved in a worse revolution than we are now engaged in. That we should go on as we have commenced conquering and to conquer and never pause until we had annexed all or the best portion of Mexico to Texas, thus establishing an independent government which would rival this in extent, resources, and population. . . .

<sup>1</sup>Garrison, "The First Stage of the Movement for the Annexation of Texas," in *American Historical Review*, X, 72-96 (October, 1904). Dr. Garrison cites as his authority *Niles' Register*, LI.

<sup>2</sup>Garrison, *Diplomatic Correspondence of the Republic of Texas* . . . , I, 162, in *American Historical Association Report*, 1907, II.

Arguments based upon supposed national and sectional interests were added by other opponents of annexation. In the papers of President Lamar<sup>a</sup> are found letters of five Southerners who express strong disapprobation of the annexation measure, on the ground that independence would be more advantageous not only to Texas, but to the Southern States, and, one writer adds, to the Union as well. Their arguments turn for the most part upon the fact that Texas was a slave state, the very fact which is popularly supposed to have made the South a unit from the beginning in favor of annexation.

Two of these correspondents of President Lamar, A. B. Longstreet, the well known minister, jurist, author, college president of genial memory, and Mansfield Torrance, a planter, a personal and political friend of Lamar and of Governor George M. Troup, were Georgians; two, Joseph Riddle, a lawyer, who had fought as a volunteer in the Texan revolution, and Alexander Jones, a physician, author, and inventor of some note, were Mississippians; one, James Hamilton, was a South Carolinian. Hamilton was the most prominent of the five; he was a wealthy planter, who had been a member of Congress and had exercised considerable influence with President Jackson until his nullification views had separated him politically from the "Old Chief"; he had been the nullification governor of South Carolina. He had extensive financial connections in America and in England, and had thereby been enabled to negotiate a loan for South Carolina in England.

Longstreet's expression of opinion is contained in an undated draft which seems from internal and circumstantial evidence to fall within the year 1837. It contains, besides advice regarding the Texan constitution, a statement of the writer's views upon the relative advantages and disadvantages of annexation. The advantages, immediate protection, ultimate security against war with Mexico or the United States, from neither of which is any real danger to be apprehended, are far outweighed, he thinks, by the disadvantages.

"The North and Northwest," he writes,

must in the very nature of things rule the South & Southwest.  
. . . The North & Northwest must be a commercial and man-

<sup>a</sup>State Library, Austin, Texas.

ufacturing people. The South & S. West must be an agricultural people. The former are religiously opposed to slavery—the latter are necessarily slave holders— The former are a sober calculating people—the latter are a high spirit ardent people. The former hold the power—the latter the wealth, of the nation: and it is not to be disguised that there are pretty strong antipathies already engendered between them. Here then are all the elements of the most merciless tantalising despotism on the one hand, that was ever exercised by man to his fellow man; and of the most galling & unmitigated slavery on the other, that was ever endured by man. . . .

Against this state of things the constitution offers the only guarantee; and events have already proved that the constitution is readily broken by the party in power according to its wishes and needs.

"The United States," he continues,

must at no distant day I think break up in revolution—. . . Independent of her growing weight—there is a manifest tendency to insubordination; and she is corrupt from her heart to her extremities. These are some of the fruits of her ready adoption of the filth of the world, as her own offspring. . . . Now from all the antecident [sic] throes & convulsions, as well as the final catastrophe Texas may escape by keeping herself to herself—to say nothing of the lesser national difficulties, which are forever occurring in so vast a territory as ours. When this catastrophe occurs, what will then be your condition? You close your political career as conquerors or as conquered—most likely the latter; for the south builds ships, and the north mans them—the south pays armies and the north fills & commands them—Keep to yourselves and very likely, you will in time have many distracted states petitioning to be let into your confederacy—At least your chance of long peace, will be greater, the more retired you are, from the jarring interests of our illimitable territory. . . .

Torrance writes Lamar on April 6, 1840, as follows:

I intended writing you a long letter on your inaugural address, so much was I pleased with it—your people (in my opinion) would be crazy to annex themselves to us. I have met with but one distinguished man in this country who believed with me (or, who believing—had the boldness to express it) that it was the worst thing the Southern States ever did: to enter the Confederacy—This was Langdon Cheves of So. Ca. We have been ever trib-

utary to the Middle & Eastern States—I fear it will be long ere we can shake off the chains— Our government is becoming very corrupt, & our interests will always be sacrificed to promote the ambitious views of some aspiring chief— . . .

Riddle, on April 12, 1838, writes from Woodville, Mississippi, in somewhat the same strain:

. . . I may appear to utter a strange startling opinion, one which some would construe into enmity towards your young Republic, and as implying a destitution of respect for my native land, when I utter the honest conviction of my bosom—that possessing within yourselves all the Essential Elements of National greatness, the single Star of Texas, may not be eclipsed by being thrown among the 26 of this confederacy, until we return to a rigid adherence to the letter & spirit of our constitution, or the ambition & reckless cupidity and fanaticism of our Northern *allies* not Brethren in their folly shall have caused a severance of the Union, then and not till will it be to the permanent advantage of Texas to become a part of this Confederacy. . . .

He expresses like sentiments in other letters, especially in one dated Holly Springs, Mississippi, January 10, 1839, in which he expressed his “pride and pleasure” in the course of the Texans in withdrawing the application for annexation, remarking that in former letters he had favored such a policy in anticipation of “the present evil state of affairs *here*” arising from “the rash madness of fanatics both Religious and monetary. . . .”

Jones presents the most elaborate anti-annexation argument of all. On October 6, 1838, he writes Lamar that in his opinion the maintenance of a separate sovereignty is far better for Texas than annexation to the United States, because its constitution is a distinct improvement upon that of the United States, and because a single commonwealth is far better than a confederation of states.

. . . Although no harm . . . may come of Abolitionism for centuries; yet the constant agitation of the question by the Fanatics of the North, must greatly estrange and embitter one portion of the Union against another, give rise to strong sectional jealousies, and tend to keep alive among the Southern people much irritation, mingled with feelings of apprehension, both for the safety of the Union and their own property. Under such a state of things, I do not conceive it would be to the interest of Texas to

enter a union of quarreling sovereignties filled with sectional wrangling. Until, the question of *Slavery, or anti-Slavery*, is forever put to rest in this Union let Texas with her slave property stand aloof from it.

By staying out of the Union, he argued, Texas will also escape the clashes, inequalities, and injustice arising among the twenty-six sovereign states upon the questions of the regulation of currency and the collection of revenue. A single commonwealth has a far better opportunity to develop a harmonious body of citizens and a uniform, satisfactory, just system of laws than a confederation of twenty-six states, each claiming the right to interpret the law, or to countervail it by opposing legislation. Texas had therefore best stay out of the Union and prepare to fulfill its glorious mission as the nucleus of the "great Republic, based upon different and I trust better principles than ours," which "must some day spread its branches far & wide over the South & Southwestern portions of this Continent."

Hamilton's opposition to annexation, disclosed in a letter of 1838, had grown from neutrality in 1836, as expressed in the report of the South Carolina senate committee, of which he was chairman, upon Governor McDuffie's message to the Legislature, cited in the beginning of this article. This report is therefore worthy of notice just here for the light which it throws upon Hamilton's views upon the Texas question in its early stage.

McDuffie's opposition to recognition and annexation turns upon the doctrine of non-interference, a corollary of the state-rights views of most Southern statesmen. "The doctrine of non-interference," he says in the course of the message, "is one of the most important in the code of international law, and there are no communities on earth who should hold it so sacred as the slaveholding states of this union . . ."; he therefore trusts "that the state of South Carolina will give no countenance . . . to any acts which may compromit the neutrality of the United States . . ."; he thinks "it may be proper" that the legislature "express opinion" regarding the application for admission into the Union likely soon to be made to Congress, which should not be entertained. "If we admit Texas into our union, while Mexico is still waging war against that province, with a view to re-establish her supremacy over it, we shall, *by the very act itself*,

make ourselves a party to the war. Nor can we take this step, without incurring this heavy responsibility, until Mexico shall recognize the independence of her revolted province."<sup>4</sup>

As Dr. Garrison further points out, the committee on federal relations of the house of representatives reported favorably upon the portion of the governor's message referring to Texas and Mexico; the senate committee, however, reported unfavorably, through its chairman, James Hamilton; and the committee report was adopted by the senate. The committee agrees with the governor regarding the policy of neutrality, but differs upon the "declaration that both Mexico and Texas are equally entitled to our sympathy, which is precisely tantamount to saying that neither can invoke any such feeling, for it will scarcely be pretended that Mexico . . . can put in any such claim. . . . The cause of Texas is identical with the cause which severed the colonies of North America . . ." The colonization of Texas and the causes of the Revolution are reviewed; the action of Americans in volunteering for the Revolution is excused. Although the governor's policy of neutrality is a wise one,

yet the interest which our people feel in her future destiny is in no small degree augmented by her having not only domestic institutions analogous to our own, but from the fact that she has already been threatened with the hostility of Great Britain and the opposition of some of the free states of our union, by reason of these very institutions. . . . These events . . . teach us . . . the important duty of looking well to our own interests: of husbanding the good will and nourishing the sympathy of those who may be in alliance with us on the vast and momentous relations of property, and social organization, which may be destined to be touched by the hand of ruthless ambition, . . . guided by the madness of a blind and pernicious fanaticism.<sup>5</sup>

A commentary upon the meaning of this report is found in an after-dinner speech by Hamilton at a public dinner given in his honor at Houston, March 21, 1839, upon the occasion of his first visit to Texas.<sup>6</sup> "Gentlemen," he says in response to a toast in his honor,

<sup>4</sup>*Niles' Register*, LI, 229-30.

<sup>5</sup>*Ibid.*, LI, 277.

<sup>6</sup>*Telegraph and Texas Register*, —?

you do me no more than justice in affirming that I was your early and zealous friend. The circumstances of patriarchal colonization which attended the first settlement of those mighty and magnificent solitudes . . . the ferocious invasion of Mexico, the almost unexampled gallantry with which against fearful odds, that invasion was met, enlisted my sympathy, and I know not whether I stopped in the warm pulsations of my heart to enquire as a mere sum in political arithmetic, what might be the future relations your Republic would bear to our own. I felt that the men who had won the battle of San Jacinto were entitled to the renown they had so gloriously acquired. If a sympathy for the sufferings and an admiration for the fearless valor of your people, made my first impressions in favor of your country more a matter of impulse and feeling than anything else, a little reflection brought me to the conclusion, that a successful issue of your struggle was about to subserve not only the cause of civilization and liberty, but would strengthen my own country, by placing on the western side of the Mississippi a population intelligent, civilized, enterprising, possessing institutions entirely in sympathy with our own. . . .

This growing interest of Hamilton in the affairs of Texas early took an active form. Henry Thompson, in his *Texas*, published under the pseudonym "Milam" in 1839, says that his aid and influence were secured through Barnard E. Bee.<sup>7</sup> Bee came to Texas with a letter of introduction from Hamilton to Lamar, dated June 21, 1836,<sup>8</sup> Hamilton and Lamar not being personally acquainted, but having common acquaintances, and being united by their nullification views. At the close of 1836, Hamilton was offered the post of commander-in-chief of the Texan army, which he declined. He soon afterward began to interest himself in securing loans for Texas, and in otherwise helping to strengthen the Republic.

These activities soon forced him out of his first attitude of friendly neutrality into definite opposition to annexation. On October 11, 1838, he writes Lamar that the application for annexation should be formally withdrawn, since its pendency seriously hampers his negotiations for a loan to the Republic. On November 3, he again urges the withdrawal of the application:

<sup>7</sup>Page 59. For a note on this book see *THE QUARTERLY*, XVI, 107.

<sup>8</sup>Lamar papers, State Library.

I deem it of the utmost importance for the success of your foreign negotiations national and financial—That your application for annexation to the U. S. should be formally withdrawn— This however should be done with the utmost dignity and with the best temper and in the best tone of feeling towards the people of the U. S. It should be done on the ground that your own interests are to be promoted by *your own separate integrity*—On such an annunciation on the part of your Minister Mr. Van Buren will I am sure send a highly complimentary message to your Republic to our Congress in which all parties will unite in public manifestations of anticipations of your future growth & power and respect for the independent stand which your Republic has taken which will greatly benefit your foreign relations with the European Powers and lead at once to recognition.—

Indeed what have you to expect or hope from us by Union but a marriage to the Fanaticism of abolition and the huge monopoly of an oppressive tariff strangling your infant industry in the Cradle?— Whereas if you stand by yourselves, with duties of 15 per Cent *ad valorem* you will supply the best part of the valley of the Mississippi with goods and will soon be the most prosperous country on this Continent.— Instead of weakening yourselves and the Southern States by agitating the same question which our adversaries will involve in the discussion of the question of *annexation*,—you will be silently building up a rock of salvation a pillar of strength for the South on which we may stand & take refuge when driven to separation by the abolitionism of the North.— An event which seems to be inevitable. . . .

In the after-dinner speech noted above, Hamilton comments favorably upon the withdrawal of the application, which had been effected by the Texan minister on October 12, 1838:

“You were right to come to the manly decision to stand by yourselves. . . . By disdaining to be a suppliant at Washington any longer from a consideration of weakness, you have waxed into one of bone and strength—and spared our union the agitation of a question which never comes but like the earthquake, to convulse and to shake . . .”

The principal arguments of these anti-annexationists may be stated briefly as follows: The best interests of Texas would be subserved by remaining independent, because Texas would thus escape the evils incident to membership in a confederation of sovereign states with dissimilar interests and institutions, and might in time become the nucleus of a great southwestern republic;

the best interests of the American Union would be conserved, because the admission of Texas would hasten the inevitable disintegration; the best interest of the Southern states would be conserved, because a strong western power with similar interests and institutions would thus be ready to combine with them when they should be forced into secession.

It is interesting to note, in connection with the third argument an extract from a letter written by Ramón Musquiz, the political chief of Texas, on March 11, 1833.<sup>9</sup> Musquiz, after speaking of the desire of the United States to acquire Texas, adds:

It is also well known that the southern States of our neighboring republic have a tendency to secede from their northern sisters and organize themselves into a separate nation; in which direction one effort has already been made this year by South Carolina. To such new national organization the acquisition of Texas would be a boon of transcendent value, adding, as it would, so extensively to its territorial area and multiplying so largely its sources of wealth.

A letter of Memucan Hunt, minister of Texas to the United States, written on April 15, 1837, to the Texan department of state,<sup>10</sup> is also of interest in this connection, because of its suggestion that the possibility of the confederation of seceded Southern states and an independent Texas as the alternative of annexation be held as a whip over the heads of anti-annexationists, in view of the great danger to the North and the great advantage to the South of a disruption of the Union.

The lack of influence of these arguments and speculations upon the ultimate outcome of the matter, the fact that their promulgators in several instances became later the warmest advocates of annexation, do not lessen their interest in view of the insight which they give into the working of men's minds at a momentous period of our history; moreover, in the fact that they were advanced by extreme nullification and pro-slavery men lies a contemporary refutation of the contemporary and later view of the entire course of Texan colonization and revolution as a pro-slavery conspiracy.

<sup>9</sup>Translation in Brown, *History of Texas*, I, 225-226, and by Dr. Ethel Zivley Rather in *THE QUARTERLY*, VIII, 138-139.

<sup>10</sup>Garrison, *Dip. Cor. Texas*, I, 208.

BRITISH CORRESPONDENCE CONCERNING TEXAS

XI

EDITED BY EPHRAIM DOUGLASS ADAMS

ELLIOT TO ABERDEEN<sup>1</sup>

*Private.*

Galveston Dec. 2d. 1843.

My Lord,

The late accounts from Mexico induce me to address Your Lordship upon some points which may be of interest if these difficulties should grow into serious heats. Since I have been in this Country I have been endeavouring to procure some trust worthy information respecting the suitableness of the Rio Grande for purposes of Commerce, and therefore if need me, for flotilla operation.

An intelligent English Mariner of the name of Simpton was in the Service of the Texian Government, in command of a small revenue vessel is well acquainted with the Mouth of that river, and I hope in the course of a few weeks to forward Your Lordship a chart of it, rudely drawn indeed, but upon the general correctness of which I should be disposed to place reliance. He is now absent at Corpus Christi, but will bring his papers back with him, and I shall then be able to select what may be useful.

The river itself, so far as I can learn from persons who have crossed it at various points as high up as the Presidio Grande (which Your Lordship will find marked on all the Maps) is ill fitted for general commercial use, or military transport, being very shallow in the dry season, and it is said, having rapids, before that point. All the rivers however, discharging themselves into the Gulf, vary greatly in their navigable facilities, according to the season, and I dare say, that in the winter and spring Months, the Rio Grande would be navigable for a great distance in light iron boats, such as are used in the upper Ganges and Indus. There is a safe anchorage at it's Mouth called the "Brassos del Norte" for vessels not exceeding 10 feet of draught, but on the bar itself, there are not more than 7 feet of water.

<sup>1</sup>F. O., Texas, Vol. 6.

My experience in China, My Lord, taught me that one very serious want of our Military Marine is a sufficiency of vessels of force and resource, either of the Steam arm, or sailing, of a light draught of water. For expeditionary purposes into an enemy's Country, and conjoint operation, when troops must be covered and supplied, this is a very great want, and I would take the liberty to submit that three classes of iron Steam boats would be very necessary for effective Service in Mexico. The largest like the "Nemesis," "Pluto," and "Pligothen" and not to draw more than 6 feet of water at the utmost, with a full supply of coal and other Materiel. A second, with a lighter Armament say a long 18 lb. brass gun, forward and aft not to draw more than 3 feet or 3 feet and a half, and lastly four or six of the class of boats employed on the Upper Indus and Ganges, or even more with a force of ten or fifteen sail of boats of these classes it may be depended upon that there would be no difficulty in penetrating into the heart of Mexico, by the Rio Grande and the rivers to the *Southward* and *Westward* of Vera Cruz. It may be added too that after San Juan had fallen there would be no manner of use for any large Ships or Steam boats on this Coast of Mexico, except to serve as Depots for the light force in advance.

Matamoros, Tampico, Alvarado, Tabasco are all accessible to Vessels of the draught I have indicated, Indeed I should mention that at Tabasco there are 11 feet of water on the bar, and that is one point to which I would most particularly draw Your Lordship's attention.

The temper of Yucatan and Tabasco towards the present Government of Mexico is a consideration of much interest. The Tabasco river, or indeed the rivers into which the Main stream branches are navigable for a great distance. The Texian Corvette "Austin" for example drawing upwards of 10 feet of Water went up as high as San Juan de Baptiste (about 80 Miles from the Mouth) and I believe there is said to be a boat communication very nearly the whole way to the City of Mexico by that Stream.

If that point were at once secured, and the people of that Province assured of protection and security at the period of the General Settlement, it is in the highest degree probable, that they would at once declare against the Central Government, and either join themselves to Guatemala or to Yucatan, forming a Republic with easy means of communication between the two Seas, and good

ports on either Shore. Neither do I believe there would be much difficulty in pushing a flotilla so far either by the Tabasco Stream, (or by another to the Westward of it, also accessible by vessels of draught), that a land force might be transported to within a very few Marches of Mexico.

Tampico is another point of importance on account of it's contiguity to the Mining Districts, and with that and Matamoros in the possession of Her Majesty's forces, and declared to be free ports during the continuance of hostilities, I am disposed to think that a much more extensive trade would be carried on with Mexico, than we have ever had in a state of peace;—And further that the North Eastern Province would very readily second this scheme, and be equally unwilling to return to General Santa Aña's prohibitive system, for the better maintenance of his authority in the Central part of the Country. The eagerness with which the people of those parts of Mexico have returned to the illicit traffic between this country and their own, satisfies me that it might very easily be thrown open upon the most extensive scale.

Blockade, Your Lordship will perhaps permit me to remark, is a mode of Warfare less likely to be stringent upon these people than inconvenient to ourselves, for they have no Merchant Marine to distress, and they are generally independent of foreign Commerce. Indeed it would seem that a blockade would be seconding General Santa Aña's purposes of foreign exclusion, and I am afraid of dishonesty. The supply of any force operating on the Coast between the Rio Grande and Vera Cruz (if there should be difficulties in that particular in the Country itself) could always be depended upon from Texas. Cattle are abundant here at extremely moderate rates, and depôts of every kind of provision de bouche could always be kept up here from New Orleans to any extent, and also at moderate prices. Depôts of Coal might also be formed here if it were not considered preferable to establish them at the Brassos del Norte, Tampico, and on the Keys off Vera Cruz, as well as at Loguna and Tabasco.

In the sending of stores of any kind to the Brassos del Norte, or Tampico it would be necessary that they should be transported in vessels of very light draught; not more than 7 feet for Tampico or 9 for the Brassos del Norte. If iron Steamers of the smaller class should be considered necessary for any purposes of Her

Majesty's Government in this quarter, I would submit that they might be sent out in frame to this place with their Machinery and everything ready for setting up, and with people competent to perform the work. It might be given out that they were sent here to be disposed of for the Navigation of the rivers of Texas, but with a Secret understanding with this Government, as to their ultimate destination; or they might be set up at Jamaica. I would take the liberty to say that Vessels for such a Service should *not be long*, on account of the sinuosities of the rivers of these Countries; from 70 to 80 feet. I would also suggest that Captain Hall late of the "Nemesis" should be consulted on all points calculated to render them more handy and efficient for Service in small Water, and in rapid streams with abrupt turns. I have seen such feats performed with vessels of light draught (the passage of the "Nemesis" to within a few miles from Canton by the *inner Channel*, for example; and where she was only prevented from arriving by having a few feet too much of length) that I have a confidence a force of the kind, I have suggested could be pushed into the very heart of Mexico.

Hoping Your Lordship will ascribe this intrusion to it's true motive, that is, a desire to further the public Service

Charles Elliot.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>2</sup>

Galveston December 8th. 1843.

My Lord,

I have now the honor to forward Your Lordship the original draught of a Coast Chart of Texas (No 1) procured from Mr. Simpton the person to whom I adverted in my private letter of the 2d. Instant. In the event of hostilities with Mexico an accurate knowledge of the Coast and it's ports might be important, for shoal as they are, they are the most practicable in this Gulf between New Orleans and Vera Cruz, and indeed between that place and Cape Catoche, and at all events they might be necessary of resort, for purposes of Supply. I would once more take the liberty

<sup>2</sup>F. O., Texas, Vol. 6. The letter is unnumbered.

to remark that though the Chart is roughly drawn, I believe it's general accuracy may be relied upon.

I also transmit herewith a Sketch of the "Tobasco River" which I have procured from Lieut Downing H. Crisp of the Texian Navy who visited it in command of the Schooner "San Bernard" in 1841, in company with the Corvette "Austin"

This Gentleman is an Englishman by birth and the Son of an old Commander in the Royal Navy—He has been well known to me ever since I have been in Texas, and being able to speak to his good character and sufficiency as a steady Officer and Seaman, I am sure that reliance may be placed in his information as far as it goes. Mr. Crisp did not visit Huasacalcos (about a degree and a half to the Eastward of Alvarado) but one of his Brother Officers did so, and reported 8 or 9 feet water on the Bar, and good navigation inside. I believe it is at this point that the Mexican Govt. has projected a Canal to communicate with the "Chimalapa" upon the Pacific side. I may perhaps mention to Your Lordship that in my passage from England to this Country I became acquainted with a very intelligent Spanish Gentleman who had been many years in Mexico, and He assured me that the "Rio Grande" or "Tololotlan" disemboguing at San Blas upon the Pacific, is navigable at Seasons for a long way, and speaking of it's practicability for Commercial purposes, he said that he was satisfied there would be no difficulty of getting up within easy distance of Guadalajara, by that river, in such Vessels as I described to him to be navigating the Upper Ganges and Indus.—He also spoke favorably of the Tampico River and the land route from that point to San Luis de Potosi (with very little expence) for commercial transport.

I have once more to offer Your Lordship my excuses for this intrusion, but not being sure that Her Majesty's Government may have the same information, I have thought it right to transmit it. I would also beg to add that I have no good Map of Mexico with me, and am therefore unable to judge to what extent this information is either superfluous or erroneous. I would take the liberty to remark however, that if there is correctness in what I have heard of the practicability of the "Tololotlan River" or indeed of any of the Rivers disemboguing on the Pacific Shores of Mexico, there would be no difficulty in despatching an effective Steam flotilla to that part of the Coast of Mexico from Bengal and Bombay through

Torres Straits, forming Coal depots from India and New South Wales at Port Essington, the Sandwich Islands, and any other convenient points in the Pacific Islands.

Iron Steamers of the smaller class would have to be sent out in frame, and set up at the point on the Pacific Side of Mexico, or at least near the point that they are intended to move from; But such Steam Vessels as we had in China could readily perform the Voyage by Torres Strait, and keeping in a low parallel, they would avoid the strength of the Trade

Charles Elliot.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>3</sup>

No. 34.<sup>4</sup>

New Orleans. Decr. 29th 1843.

My Lord,

Having reference to my despatch No 7 of this year, mentioning that the Government of Texas has levied discriminating duties on the trade from the United States, in consequence of the failure of the treaty of Commerce, I have now the honor to report that the Government of the United States by Treasury order dated on the 12th Instant has adopted a similar course in relation to the trade from Texas.

Charles Elliot.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>5</sup>

*Separate.*

New Orleans. Decr. 29th. 1843.

My Lord,

Having reference to Your Lordship's obliging readiness to grant me leave of absence for the restoration of my health I beg to observe that in the present Situation of circumstances I have not felt myself warranted in requesting that favor. But I have taken the liberty of repairing to this place, chiefly for better advice and convenience than I can find in Texas for an instant, [having] fallen into a very weak state of health.

<sup>3</sup>F. O., Texas, Vol. 6.

<sup>4</sup>*Ibid.* Elliot to Aberdeen, No. 33, is omitted. It transmitted *The Civilian and Galveston Gazette* for November 8, 1843.

<sup>5</sup>F. O., Texas, Vol. 6.

Your Lordship is aware that I am in the channel of my public correspondence here, and I shall of course proceed to my post in any case of necessity. But in the actual attitude of affairs connected with Texas I believe I am as suitably posted at New Orleans as I should be in that Country, and I will therefore request Your Lordship's sanction to remain here or there, for the present, as I may judge most convenient for the public interests.

Charles Elliot.

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>6</sup>

*Private.*

New Orleans. December 31st 1843.

My Lord,

I had the pleasure of meeting Mr Clay last Evening, who is here upon a visit, and he made some observations upon the subject of Texian Affairs, which I think it convenient to communicate to Your Lordship.

In reply to some remarks from a friend of his own upon that part of the Message<sup>7</sup> of the President of the United States referring to Texas, he said that all question of the advantage or otherwise of annexation either to the United States or Texas, was entirely superfluous, for he could state in the most positive manner that no scheme of that kind either by treaty, or in any other form, could be carried through the Senate of the United States. The preponderance of Mr. Clay's party in the Senate, and the decided manner in which he repeated this declaration two or three times, will I hope be my excuse for this intrusion.

Being upon this subject I take the liberty to observe to Your Lordship that both my Colleagues Monsieur De Cramayel (who is also staying here) and myself, have been much surprised that the President of the United States should have dwelt at so much length on the affairs of Texas without a word of notice of the feelings or wishes of the Government and people of that Country. It has also appeared to us that this lively interest in the affairs of Texas would have been more kindly timed, and more suited to the necessities

<sup>6</sup>F. O., Texas, Vol. 6. *Ibid.* Elliot to Aberdeen, Nos. 35 and 36, December 31, 1843, have been omitted. No. 35 referred to the "Eliza Russell" claims, and the method of their payment through the collector of customs at Galveston. No. 36 enclosed a return of correspondence for the year 1843.

<sup>7</sup>President Tyler's annual message, December 5, 1843.

of the case in December 1842, when there was reason to apprehend that the Mexicans did meditate an incursion into Texas: But at that time the Government of the United States was negotiating its claim convention with Mexico, and in the prepare of that business Texian interests and dangers appear to have been overlooked.

At all events there can hardly be thought to be any practical need to declare that Mexico must not be suffered to make war upon Texas, at the particular moment that She is engaged in the attempt to make a peace with Texas, and I must confess that the interference of the United States is not intelligible to me, upon any ground that has been explained. The President's allusion to the particular views, of other Powers, or I believe the phrase is, the peculiar views, is not compatible with due respect for the independence of Texas.

It has been forgotten or disregarded that it is for the Government and people of Texas to consider, and accept or reject any counsels founded upon the peculiar view that Slavery is a wicked and a dangerous Institution, and I am inclined to think that nothing would be better calculated to help the suggestions of other Powers, that [than] these arbitrary declarations of the United States. The President of the United States would never have spoken so imperiously of the perfect right of any State in this Confederacy to deal with its own affairs, as he has upon this occasion concerning Texas.

I do not believe that this tone will be agreeable to General Houston, and I look for some early and calm notice from that quarter, that Texas has a Government and people. The Message of the President of Texas will reach Your Lordship with these despatches, and I believe it will afford Her Majesty's Government much satisfaction. I hardly know whether I can give better proof of the favorable effect it has produced in this Country amongst well judging persons than to mention that Mr Clay spoke of it in terms of approbation, and indeed generally of General Houston's policy; a circumstance the more honorable to General Houston, as he was always a strong political opponent of Mr Clay's in this Country. Mr Clay indeed did not seem to me to be friendly to the Annexation of Texas to the United States either now, or prospectively. He said more than once that the United States were

wide enough already, and that there was much more of risk, than convenience or strength in extended Confederacies.

In a separate despatch which I had the honor to write to Your Lordship on the 29th Instant, I have requested sanction to reside here or in Texas during the present Agitation of Texian affairs in this Country, and I would wish to add in a private form, that the want of quiet trustworthy channels of Communication between Texas and New Orleans is one of my chief reasons, for requesting that permission

Charles Elliot.

The Earl of Aberdeen, K. T.

ABERDEEN TO ELLIOT<sup>a</sup>

Draft.

F. O. January 3d. 1844.

Captn. Elliot.

No. 2.<sup>o</sup>

Sir,

I transmit to You herewith, for Your information, a Copy of a Despatch which I have addressed to H. M's Minister at Washington,<sup>10</sup> with a view to put a stop to the Misrepresentations which have been circulated of late in the United States, and the errors into which the Govt. of that Republic seem to have fallen, on the subject of the policy of Great Britain with respect to Texas.

You will communicate the inclosed Despatch to the Texian Govt.

<sup>a</sup>F. O., Texas, Vol. 9. The letter is unsigned.

<sup>b</sup>F. O., Texas, 20. Aberdeen to Elliot, No. 1, January 3, 1844, has been omitted. It acknowledged receipt of despatches from Elliot.

<sup>10</sup>Aberdeen to Pakenham, No. 9, December 26, 1843. This is the first of the noted Calhoun-Pakenham letters, and in it Aberdeen, while maintaining Great Britain's right to take ground against slavery wherever found, disclaimed any intention of interfering improperly to secure the abolition of slavery in Texas, or of "seeking to act directly or indirectly in a political sense on the United States through Texas." The correspondence as published in the United States is in Sen. Doc. 341 (Serial No. 435), 28 Cong., 1 Sess. As published in Great Britain it is in Sessional Papers, 1847-8, Commons, Vol. 64, *Return of Pakenham-Calhoun Correspondence* (136), and contains an additional letter, Pakenham to Aberdeen, April 28, 1844. There are also two additional unpublished letters, Aberdeen to Pakenham, January 9 (F. O., Texas, 20), and June 3, 1844 (F. O., America, 403). For quotations and analysis, see Adams, *British Interests and Activities in Texas*, ch. VII. Smith, *The Annexation of Texas*, p. 200 seq.

KENNEDY TO ABERDEEN<sup>11</sup>

No. 1.

British Consulate  
Galveston, January 5th. 1844.

My Lord,

I have the honor to forward Copy of a Despatch addressed by me to Captain Elliot at New Orleans. To avoid the risk of delay where delay might, perhaps, be disadvantageous, I have also transmitted Copy of the same despatch to Her Majesty's Minister at Washington, United States.

I beg to enclose extracts from a Newspaper called the "*Citizen*,"<sup>12</sup> which was established last Summer for the express purpose of supporting the Measures of General Houston.

William Kennedy.

The Earl of Aberdeen, K. T.

KENNEDY TO ELLIOT<sup>13</sup>

[Enclosure]

British Consulate  
Galveston January 2d 1844Copy.  
Sir.

I beg to inform you that, by accounts received from the Seat of Government, it appears that on the 19th Ultimo, a "Joint Resolution for the Annexation of Texas to the United States," was read a second time and referred to Committee.

The impression of parties recently arrived from the Seat of Government is that this resolution will pass.

William Kennedy.

Captain Elliot, R. N. New Orleans, U. S.

[Endorsed] Enclosure No 1. In Mr Consul Kennedy's. despatch, dated January. 5th 1844.

KENNEDY TO BIDWELL<sup>14</sup>

No 2.

British Consulate  
Galveston January 8th. 1844.

Sir,

The growing Commercial intercourse between England and this Country, and the prospect of its progressive enlargement, render

<sup>11</sup>F. O., Texas, Vol. 10.<sup>12</sup>December 30, 1843.<sup>14</sup>F. O., Texas, Vol. 10.

it desirable that the attention of the Shipping Interest, should be directed to the character of the Charts generally consulted on voyages to Texas. Of all that I have had an opportunity of inspecting, not one is correct, while some are considerably, and some extravagantly in error.

There are, at present, five British Vessels in this Port.—The Chart used on board one of these (represented by the publishers as corrected to the year 1841) exhibits an error of nearly two degrees in the Longitude of Galveston Island. The Charts of two others, which the publishers describe as having been corrected to the year 1843, severally indicate the depth of water on Galveston Bar at Sixteen or Sixteen and a half feet,—the real depth being, at low water, about ten feet, and, at high water, twelve, except on the occasion of a Spring tide. In all the Charts hitherto in use, the Coast line of Texas is wrongly laid down.—Of the five Merchant Vessels I have mentioned, the last that has arrived—A Schooner from Nassau, New Providence—ran aground in attempting to make the Port, and was only got off by sacrificing part of her Cargo, —A Misfortune attributed by the Master to his Chart, which it appears, misled him to the extent of some sixty Miles.

Voyages to Galveston are burthened with an unusually high rate of insurance, yet, with such a Measure of Caution as no honest and judicious Ship Master will fail to exercise, and the assistance of a trust-worthy Chart, no extraordinary danger, or difficulty need be apprehended for vessels whose draughts of water will permit them to pass the Bar.

In the hope that it may prove useful, I have the honor to transmit a Chart<sup>14</sup> of Galveston Bar, and Harbour, as surveyed in 1841 by the Commodore of the Texan Navy, and recently corrected by an experienced local draughtsman. On the accuracy of this Chart, with reference to all the points essential to be known by Navigators, reliance may be placed.

It will be seen that the North East end of Galveston Island is in Latitude N. 29°, 18', 50" and Longitude W. 94°, 48', 30".

The average height of the Island, above the bed of the Sea, is eight feet—and of the Sand-hills that border the Coast, fifteen feet.—Some conspicuous land mark is much required, as a guide to

<sup>14</sup>Not found.

Vessels when making the Port. There were formerly beacons on the North East end of the Island, but these disappeared in 1842, and have not yet been replaced. The authorities, however, in answer to an application from this Consulate, have expressed an intention "to have the necessary beacons, or land-marks erected, so as to enable vessels bound inwards to make the Anchorage, or pass into the Harbour, without danger."

The Coast being so low, particularly in the neighbourhood of the Bars, breakers may generally be observed, and vessels becalmed, on approaching the Bars, must guard against the indraught Current, from neglect of which precaution, some have been lost.

Navigators will do well to keep a sharp look-out for Currents, which run in the direction of the prevailing winds. The Currents inshore will vary a little according to the veering of the wind, and the shallowness of the water renders this variation comparatively rapid. A vessel becalmed near the land is liable to drift ashore, unless she be brought to an anchor, which can be safely and easily effected at any point along the Coast.

The "Norther," which is the prevailing wind during the Winter Months, produces gales, but they are not of long duration. If a Vessel is caught by a "Norther," it will blow her off the shore. During the greater part of the year, especially in Summer, South Easterly winds prevail, with variations caused by local influences. After a continuence of strong Northerly winds, the water in Galveston Bay is "blown out," and, for some succeeding days, the tides seem very strong.—A vessel at Anchor in the Stream should be carefully and well secured.

According to returns from the Galveston Custom-House, Sixteen British Vessels, sailed to that Port in the years 1841 and 1842. Of these, four were lost on the Coast, while it does not appear that any American Vessels, of which a much greater number visited the Port, experienced a similar fate during those years. Other causes than the intricacy of the Navigation, or the infidelity of the Charts, have certainly been assigned for the loss of the four Ships, but the latter is not the less an evil that calls for remedy as well as notice.

William Kennedy.

John Bidwell, Esq.

ABERDEEN TO ELLIOT<sup>15</sup>

Draft.

F. O. January 11th. 1844.

Capt. Elliott. R. N.

No. 4.<sup>16</sup>

Sir.

With reference to my Despatch No. 2, of the 3d Inst. I transmit to you herewith, for Your Information a Copy of a Despatch<sup>17</sup> which I have addressed to Her Majesty's Minister at Washington, on the subject of that part of the late Message of the President of the United States to Congress which relates to Texas.

P. S. I have to direct You to read the inclosed despatch to the Texian Secretary of State.

ELLIOT TO ABERDEEN<sup>18</sup>

No. 4.<sup>19</sup>

New Orleans, Jany. 15th. 1844.

My Lord,

Nothing is yet officially known of the proceedings of the Texian Commissioners charged with the attempt to conclude a truce with Mexico. But I hear from authentic sources of a letter from one of them (dated on the 6th Ultimo) which mentions that although their progress was slow, he did not despair of some satisfactory conclusion

The Message of the President of the United States, however, could not be known in Mexico before the end of last Month, at the earliest, and Your Lordship will be best able to judge of it's effect on the pending negotiations.

<sup>15</sup>F. O., Texas, Vol. 9. The letter is unsigned.

<sup>16</sup>F. O., Texas, 20, Aberdeen to Elliot, No. 3, January 3, 1844, has been omitted. It related to the whereabouts of Mr. John Orr and contained copies of letters from Doyle and from Orr's father.

<sup>17</sup>F. O., Texas, 20, Aberdeen to Pakenham, No. 1, January 9, 1844. See note 10, p. 91. Aberdeen expressed indignation at the tone of President Tyler's message in which it had been hinted that England was seeking to block the annexation of Texas. Pakenham was instructed to communicate the contents to the American Secretary of State, but did not do so, and the letter was never published. For quotation, see Adams, *British Interests and Activities in Texas*, 156-157.

<sup>18</sup>F. O., Texas, Vol. 9.

<sup>19</sup>F. O., Texas, 9, Nos. 1 and 2, 1844, Elliot to Aberdeen are missing from the archives. No. 3, January 12, 1844, has been omitted. It transmitted bills in settlement of the "Eliza Russell" claims.

I collect from the public prints in this Country that a Second Convention for the settlement of certain Claims of Citizens of the United States has recently been concluded at Mexico, and I am disposed to think that the agitation of the question of Annexation, at least by the Government of the United States, will be a good deal quieted by that event. That agitation, with other accidental circumstances, served no doubt to forward the conclusion of the Convention. But perhaps that Measure, and the breaking up of the Negotiations, if that too should happen, will restore the Government of the United States to the same state of feeling in this respect, as had always obtained up to the period of the late armistice; except indeed when their own immediate affairs become matter of urgent pressure at Mexico. In that state of things, the Situation of Texas, and the character of the warfare, were forcibly insisted upon, as was the case for example, shortly before the claim convention of last year; But the satisfactory settlement of the claim negotiations appears to have been attended with tranquillising effects on the other grounds of interest and remonstrance.

Observing that these affairs are once more in question between the Governments of the United States and Mexico, it is to be hoped that the first will be able and willing to satisfy the other, that there is no purpose of annexing Texas to the North American Union. That would probably be the most hopeful mode of pacificating this Contest, the kindest course both to Texas and to Mexico, and in the opinion of the most eminent Statesmen in the United States, the sound and honorable policy for their own Country.

I should mention to Your Lordship that movements have been made in the Texian Congress in the direction of annexation to the United States, but I do not enter into that subject at present, because they have not yet passed into any definite form.

Charles Elliot.

To the Right Honorable

The Earl of Aberdeen, K. T.

ABERDEEN TO ELLIOT<sup>20</sup>

Draft.

F. O. Jany. 31. 1844.

Captain Elliot.

No 5. Confidl.

Sir,

With reference to my despatch No. 4. of the 11th inst. respecting that part of the late Message of the President of the United States to Congress which relates to Texas, I transmit to you Confidentially herewith for your information a Copy of a despatch upon this subject which I addressed on the 12th inst. to Lord Cowley H. M Ambassador at Paris, together with an Extract of H. E. reply thereto. I also enclose an Extract of the despatch from Mr. Fox referred to in my despatch to Lord Cowley.<sup>21</sup>

ELLIOT TO ABERDEEN<sup>22</sup>

No. 5.

New Orleans February 10th. 1844.

My Lord,

I have the honor to acknowledge the receipt of Your Lordship's despatches to No 3 of this year, and to transmit herewith the Copy of a Note which I have this day addressed to the Secretary of State of Texas, covering the Copy of Your Lordship's Despatch No. 9 of last year to Mr. Pakenham.<sup>23</sup>

The state of my health has prevented me from proceeding to Texas by this occasion. But it appeared to me to be of consequence at this Conjuncture, that no time should be lost in placing General Houston in possession of this exposition,—And I therefore determined to forward a Copy of the despatch, signifying at the same time, in a private note to the Secretary of State, that it would not

<sup>20</sup>F. O., Texas, Vol. 9. The letter is unsigned.

<sup>21</sup>F. O., Texas, 20. Aberdeen to Cowley, No. 16, January 12, 1844; Cowley to Aberdeen, No. 33, January 15, 1844; Fox to Aberdeen, No. 133, December 13, 1843. Aberdeen, stirred by Tyler's message foreshadowing annexation, virtually proposed to France to join with Great Britain in preventing this. France gave a favorable reply. For quotations from these documents, and analysis, see Adams, *British Interests and Activities in Texas*, pp. 157-160; Smith, *The Annexation of Texas*, p. 383, *seq.*

<sup>22</sup>F. O., Texas, Vol. 9.

<sup>23</sup>This was Aberdeen's instruction to Pakenham, December 26, 1843. See Note 10, p. 91.

be convenient it should be published in Texas, unless the Government of the United States, to which it was particularly addressed, should see fit to publish it in this Country.

I am recovering from my indisposition, and hope to be able to pay a visit to General Houston by the next boat, which will leave in two or three days.

Rumours are in circulation here (brought from Texas) that a truce of 10 years has been agreed upon, between the Mexican and Texian Commissioners,—but I have a few private words from an authentic source dated at Washington in Texas on the 6th Instant, and at that date they were not in possession of any such information, and did not write in confidence of such a result. I am not without hope, however, that a state of truce may be maintained.

Charles Elliot.

To the Right Honorable,  
The Earl of Aberdeen, K. T.

ELLIOT TO JONES<sup>24</sup>

[Enclosure.]

New Orleans, February 10th 1844.

Copy

Charles Elliot.

The Undersigned Her Britannic Majesty's Chargé d' Affaires to the Republic of Texas, has the honor to transmit to Mr Jones the Copy of a despatch from The Earl of Aberdeen to Her Majesty's Minister at Washington, and he regrets that the state of his health prevents him from having the pleasure of communicating it in person.

The President will perceive from this exposition to the Government of the United States how accurately he has always estimated the friendly purposes of Her Majesty's Government towards the Republic of Texas, and their state of feeling and principle of guidance upon all the other points adverted to in the despatch to Mr. Packenham.

In forwarding this Communication The Undersigned is sensible that it would be superfluous on his part to dwell upon the continued interest which Her Majesty's Government takes in the

<sup>24</sup>F. O., Texas, Vol. 9.

Independence and prosperity of Texas, or to do more than repeat the assurance of their continued efforts to promote those results.

Charles Elliot.

To The Honorable Anson Jones, Washington on the Brazos.

[Endorsed.] Inclosure in the Despatch No. 5. from Captain Elliot to the Earl of Aberdeen, Feb. 10, 1844.

ELLIOT TO ABERDEEN<sup>25</sup>

No. 6.

New Orleans, Feby 17th 1844.

My Lord.

It has been so generally reported in Texas that a scheme of Annexation to the United States by treaty, is in an advanced state, that I consider it right to notice these reports to Your Lordship; remarking that nothing of the kind has transpired here, and that the statement is not believed by persons of great knowledge and weight in this Country.

Your Lordship has however been for some time aware of the feelings and purposes of the present administration in the United States upon this subject, and will of course be fully informed of the actual position of circumstances at Washington, in relation to it.

But speaking of the policy of the Government of Texas, I will not hesitate to repeat my belief that the President is steadily determined to sustain the durable independence of the Country. Your Lordship however, is aware of the pressed condition of Texas, and if the recent movements at Washington should induce a rupture of the truce, and the option of annexation to the United States should really present itself (of the likelihood of which, I am an incompetent judge) it is not to be expected that the Government of Texas could or would resist the popular impulses in that direction.

Upon the whole there is reason to believe that the Government of Mexico should put an end to all further risk of inconvenient Complication, by adjusting a truce with Texas, accompanied by declarations, necessary for it's own safety

I leave for Texas the day after tomorrow to pay a visit to Gen-

<sup>25</sup>F. O., Texas, Vol. 9.

eral Houston, but my health is so shattered that I must request Your Lordship will have the goodness to grant me leave to proceed to the Northern parts of the United States whenever I may find it necessary to depart. Indeed I should have already availed myself of Your Lordship's leave of absence, but I thought it might be convenient to the public interests that I should remain, either till the truce had been steadily established, or till it's rupture, consequent upon the tone at Washington, had produced such a different phase of affairs, as might change the position of Her Majesty's Government in respect to them.

Charles Elliot.

To The Right Honorable

The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>26</sup>

*Separate.*

New Orleans.

March. 7th 1844.

My Lord,

Since I had the Honor to address you last, I have been afflicted by a dangerous Sickness, which has left me almost without strength.

Your Lordship will observe by the accompanying Medical Certificate that I have no choice but to request permission to leave these Climates as soon as possible

I should prefer to return to Europe as the Certificate advises, but if Your Lordship shall be of opinion that it would be more convenient for the public interest that I should not go so far from my Post at present I would endeavour to find suitable change on the Northern parts of this Continent, and return to my duties as soon as my health enabled me.

Charles Elliot.

The Right Honorable,

The Earl of Aberdeen, K. T.

<sup>26</sup>F. O., Texas, Vol. 9.

RUSHTON TO ELLIOT<sup>27</sup>

[Enclosure.]

New Orleans.  
7th March. 1844.

My Dear Sir,

I think it my duty to advise you as a Measure absolutely necessary to re-establish your health, that you change our Climate for a Northern one and that you leave New Orleans and its vicinity at as early a period as may be practicable

I conceive that your attack of severe Dysentery has proceeded from a debilitated state of the Digestive Organs, brought on by long residence in tropical Climates, and am satisfied that your continued residence either here, or in a latitude as low as Texas, would be attended with great risk of a return of your present Complaint, and from the consequences of such a return you have everything to dread.

Under these circumstances, I conceive it your duty at whatever sacrifice, to leave our hot and humid Climate, for one more dry and bracing.

W. Rushton: M. D. Edin

To Capt. Elliot.

ELLIOT TO ABERDEEN<sup>27</sup>

No. 8.<sup>28</sup>

New Orleans, March 15th. 1844.

My Lord,

I have the honor to transmit the Copy of a note which I have recently received from Mr Jones<sup>29</sup> acknowledging my own note of the 10th Ultimo already forwarded to Your Lordship.

The Government of Texas has lately dispatched two Gentlemen in the President's particular confidence (General Henderson<sup>30</sup> and

<sup>27</sup>F. O., Texas, Vol. 9.

<sup>28</sup>F. O., Texas, 9. Elliot to Aberdeen, No. 7, March 7, 1844, acknowledging receipt of despatches, has been omitted.

<sup>29</sup>Jones to Elliot. February 19, 1844. In Garrison, *Diplomatic Correspondence of the Republic of Texas*, III, 1149, in *Am. Hist. Assoc. Report*, 1908, II.

<sup>30</sup>James Pinckney Henderson, b. North Carolina, 1808; d. Washington, D. C., 1858. He served as brigadier-general in the Texan army, 1836, was secretary of state, 1837-1839, diplomatic agent in England and France, 1839-1840, was sent on a special annexation mission to the United States,

Mr. J. D. Miller) to Washington, and joining that circumstance to the movements in the Texian Congress and to the steady current of report, both in the United States and in Texas, that Negotiations are either on foot, or in contemplation upon the subject of annexation. I shall consider it my duty to request the Government of Texas to furnish me with explanations of the real state of affairs in this particular, for transmission to Your Lordship.

My health is still very weak, but I trust I shall be able to go to Galveston for a few days by the boat of the 18th instant. I should add that I am going under strong Medical advice as soon as possible, and proceed to to the Northward.

I learn by a few private lines from Mr Jones of the 16th February, that up to the 6th January their Negotiations for a truce had gone on perfectly satisfactorily, indeed that every point but one was adjusted.

But at that period the negotiations were suddenly suspended by command from Mexico, and forming my opinion from the date of this order, it seems probable that the interruption may have arisen from the nature of the Communications which the Mexican Government was then receiving from Washington on the Potomac.

It was thought by the Texian Commissioners, and Government that the Negotiations would be renewed.

Charles Elliot.

To The Right Honorable,  
The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>21</sup>

No. 9. Galveston March 27th. 1844.  
My Lord,

I have just received from Mr Jones in a private way, a Copy of an Armistice<sup>22</sup> recently concluded between the Mexican and Texian Commissioners, and the Steam boat being upon the point

1844. He became Governor of Texas, 1846, and was appointed to the United States Senate, 1857. (Appleton, *Cyclop. of Amer. Biog.*)

<sup>21</sup>F. O., Texas, Vol. 9.

<sup>22</sup>This was the armistice signed February 15, 1844, by Hockley and Williams, the Texan negotiators, in which Texas was characterized as a Mexican Department. The government of Texas refused to ratify such an agreement.

of starting for New Orleans, I have only the time to offer a very few remarks upon the subject.

It is not to be doubted, that these stringent conditions upon the part of Mexico are attributable to the alarm, and irritation excited in that quarter by the movements of the Government of the United States in relation to annexation, joined to the impression that the Agents of this Government at Washington upon the Potomac, were in the actual course of negotiation upon that subject.

I offer this opinion without hesitation, because it consists with my knowledge that the terms agreed upon between the Mexican and Texian Commissioners before the intelligence of the movements at Washington could have reached Mexico were of a much easier and more practicable nature than these. I think it can be no source of surprise to Her Majesty's Government that later intelligence should have determined the Government of Mexico to provide for it's own security, by taking care not to grant a truce of convenient duration for the deliberate conduct of negotiations at Washington, having in view the Annexation of this Country to the North American Union.

The single prospect that presents itself to my mind of a renewal of these negotiations between Mexico and Texas upon a hopeful "footing" is that this Government should at once desire it's Agents at Washington to signify to the Government there, that an Armistice had been concluded between this Republic and Mexico; and that the President felt it due to the honor of this Country, and just to all other parties concerned to put an end to Negotiations for Annexation to the United States of America, whilst Negotiations were going forward at Mexico, proposing a totally different settlement. And if this Government take that course, and proposes at the same time to the Government of Mexico to extend the Armistice to such a period as will be really necessary for the conduct of the Negotiations in that quarter, it seems possible that the Ministers of the Powers friendly to a safe and honorable adjustment of this dispute may be enabled to induce the Government of Mexico to grant more satisfactory terms of Armistice, than these now placed under Your Lordship's notice.

Having no time to write a Separate despatch to Her Majesty's Minister at Washington by this opportunity, I have taken the

liberty to enclose this dispatch to him, with a request that he will peruse, and forward it to Your Lordship.

I remarked to the President and the Secretary of State last Autumn that it seemed to me the Schemes of the Government of the United States were shaped with the alternative project of settling this question in the way that pleased them, or of unsettling any other arrangement, and I can detect no subsequent reason for thinking that the impression I formed then, was erroneous.

My health is still in a very precarious state, but I am remaining here for a few days in the hope that I shall have the pleasure of seeing the President or the Secretary of State at this place.

Charles Elliot.

To The Right Honorable,  
The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>33</sup>

*Secret.*

Galveston. April 7th. 1844.

My Lord,

I have the honor to inclose Copies of a correspondence which I have recently had with this Government, and I take the same opportunity to report to Your Lordship the substance of a Conversation that I have this day had with General Houston, taking the liberty to remark that he particularly requested me to consider it unofficial, and private.

The period and nature of the first approach of the Government of the United States to that of Texas upon the subject of annexation are known to Your Lordship, as well as the manner in which it was met from this quarter. The Texian Agent at Washington continued nevertheless to move the President to abandon the determination not to entertain the matter whilst any uncertainty existed as to the willingness of the Senate of the United States to ratify a treaty of annexation:

But General Houston adhered steadfastly to his own policy, notwithstanding all the eagerness excited in Texas, both in Congress and amongst the people, by the movements of the Government of the United States, and I should add in spite of pressing private

<sup>33</sup>F. O., Texas, Vol. 9.

instances from persons of great weight in that Country, to whom he is warmly attached.

At length, however, having reason to know that the two Houses of Congress had prepared and would carry resolutions, either unanimously, or certainly by a Constitutional Majority, which would have deprived him of all further control of this business, he considered that the safest course was to prevent that turn of affairs by a Secret Message,<sup>34</sup> expressing his readiness to attempt to meet the wishes of the people, and for that purpose requesting an appropriation to dispatch a Special envoy to Washington to be charged with the proposed Negotiations. It may be observed here, that General Houston led me to understand that he had not committed himself to any personal opinion in favor of the contemplated arrangement, in this Message.

The result of this step was the passing of an Act or resolution involving the required appropriation, the other details of which General Houston did not feel himself at liberty to disclose, the Measure having been committed to his further management under the Seal of Secrecy.

In this stage of affairs Congress separated, and General Houston does not appear to have been in any haste to dispatch the Envoy, till he should ascertain the result of the Negotiations for the truce with Mexico. The consequence of the proceedings at Washington upon these Negotiations is already before Your Lordship; but it appears that about the time that the Government of Texas learnt that there was little to hope from that quarter, another very pressing official representation from Mr Upshur was brought to the President by General Murphy, accompanied by General Henderson, the Gentleman selected for the Mission to Washington

This representation, of great length and urgency, (I use General Houston's language as nearly as my memory serves me) Containing argument, encouragement, solicitation, and indeed little short of Menace, was met upon his side by an exhibition of the uneasy condition into which the proposal of these Negotiations had already cast the Country, and of the still more dangerous consequences which would ensue from the probable breaking up of

<sup>34</sup>Houston's secret message on annexation, January 20, 1844. (Wooten, *Texas*, I, 425-426.)

their present hopes of arrangement, and present support, and the equally probable result of the failure of the Scheme of annexation in the Senate of the United States.

In view of all these considerations he required from the American Chargé d' Affaires an official letter to the Secretary of State of Texas (beyond the letter of Mr Upshur) expressive of his consent upon the part of the Government of the United States, that they should Communicate in a formal written way to the Envoy of Texas, *before any Negotiations were opened*, their readiness to place at the disposal of the Government of Texas, a Column of 1000 infantry, and 600 or 700 heavy Cavalry, to be moved, whenever it might be considered necessary for the safety of this Country, to the Western border of Texas, further that a Naval force equal to that of Mexico should forthwith be stationed in the Gulph of Mexico, also to be at the disposal of this Government, and finally, that the Government of the United States should distinctly guarantee to Texas the acknowledgment of it's Independence by Mexico, if the project of annexation failed of success.

General Houston states that General Murphy did write the letter in question, and assures me that the Instructions to General Henderson are precise and imperative upon the refusal to open Negotiations till the required written guarantees of the Government of the United States are duly furnished.

I have now submitted to Your Lordship what I collected from General Houston's private conversation to be the present situation of these affairs, so far as this Government is concerned; and in reply to his observations on the difficulty of his position, I said that I could not doubt they would be appreciated by Her Majesty's Government.

But I could not refrain from remarking that I thought it would have been a wiser and more just policy upon the part of the Congress and people of Texas, to have adhered to their declarations of determination to maintain their Independence. Such a course would have reassured the Government of Mexico, and given increased force to the representations of the Powers engaged in inducing the settlement of this dispute upon that footing—Indeed, except for these proposals of annexation to the United States, and the readiness of Texas to meet them, it did not seem to me that

there was much risk of any renewal of hostilities between the Contending parties. Mexico had invited negotiation and settlement; and as Texas seemed to be willing to make the sacrifice of its Independence in one question, I could not [doubt] the Government of Texas would have found any serious difficulty in maintaining a state of truce (particularly with the assistance of friendly powers) but that state of truce should gradually ripen into a state of permanent peace.

Speaking without express authority from Her Majesty's Government, I would nevertheless take the liberty to say that it seemed to me the honorable and the wise course upon the part of the Government of Texas to all parties concerned would be to instruct General Henderson forthwith to announce to the Government of the United States that an armistice had been concluded between Texas and Mexico, and that whilst Negotiations continued open in that quarter, there must be an end of all Negotiations not actually concluded at Washington, upon the express terms of General Henderson's Instructions

Situated as he feels himself to be, General Houston would not take this step, but I think it highly possible that he has pressed upon General Henderson the necessity of precise adherence to his Instructions, neither do I imagine that he has ever entertained much confidence in the success of the Scheme of annexation, or certainly any personal wish to postpone the Independence of the Country to such a solution. He said that if the project failed he trusted that the Governments of Her Majesty, and The King of the French would find means of preventing all further risk of complication in that direction, by forthwith accomplishing the Settlement of the question on the basis of the acknowledgment of Texas by Mexico. I remarked that what had lately passed was hardly calculated to strengthen the friendly purposes of those Governments, or to inspire them with Confidence.

General Houston appeared to attach much importance to General Murphy's letter, and to the stringent conditions General Henderson would insist upon, before Negotiations were opened. But I told him that I would not regard those considerations in the same point of view. It seemed plain to me, on the contrary, that if the Government of the United States could carry through their pro-

ject, it would be upon their own terms, not upon conditions dictated by Texas. General Henderson would be told in an early stage of affairs that if he adhered to conditions which General Houston must have known that the Government of the United States could not act upon, the arrangement must fall to the ground, and the people of Texas would judge where the blame should be laid. As for General Murphy's letter of consent, it would be easy for the Government of the United States to disavow that proceeding, and upon the whole I could not think that these precautions would serve any other purpose than to enable the Government of the United States to get rid of the difficulty easily, and injuriously to General Houston, if they found they could not carry out their Scheme. If they could carry it, General Henderson would probably be easily prevailed upon to sign the treaty upon their terms, and trust to the people of Texas for support.

The detention of the Texian prisoners by Mexico, and the indisposition to grant a truce of any considerable duration to Texas deprived this Government of sufficient strength to resist the recent influences from another quarter, and it may be that General Houston adopted the only course left to him for the maintenance of any control over events.

I shall take the liberty to forward this despatch under cover to Her Majesty's Minister at Washington for his perusal, as also a Copy to Mr Bankhead.<sup>33</sup>

Charles Elliot.

To the Right Honorable,  
The Earl of Aberdeen, K. T.

<sup>33</sup>British Minister at Mexico. Pakenham had been transferred from Mexico to Washington in 1843, and after an interval during which Doyle represented Great Britain, Bankhead was appointed, arriving in Mexico early in 1844.

## BOOK REVIEWS AND NOTICES

*The United States and Mexico, 1821-1848.* A History of the Relations between the Two Countries from the Independence of Mexico to the Close of the War with the United States. By George Lockhart Rives. In two volumes. (New York: Charles Scribner's Sons, 1913. Pp. x, 720; viii, 726.)<sup>1</sup>

For the purpose of this review these dignified volumes may be considered under four topics: (1) the political history of Mexico, 1821-1848; (2) the revolution and subsequent annexation of Texas; (3) the diplomatic history of the period; and (4) the political and military history of the Mexican War. Source material for all except the first of these topics has been published in unusual fullness in numerous congressional documents, and thanks to the Mexican habit of including liberal documentary appendices in their histories this has been considerably supplemented from the other side; Reeves<sup>2</sup> and Adams<sup>3</sup> have traced the intricate diplomacy of the period through the archives of the United States, England (with a glimpse into France), and the republic of Texas; Dr. Smith<sup>4</sup> has studied with extraordinary minuteness the wide ramifications of Texan annexation; and during the past fifteen years a host of unpretentious monographs have appeared on various phases of the subject. Obviously the opportunity for an original contribution to the field lay in the exploitation of the Mexican archives. Mr. Rives has used those of the foreign office to good effect, but other departmental archives have been neglected, although those of *guerra y marina* might be expected to shed a good deal of light on the military history of the war. No important printed material has escaped his survey, and he has tracked Reeves and Adams through the American and British collections, gleaning here and there a new item or a new point of view. In the assimila-

<sup>1</sup>This review is reprinted from the *Mississippi Valley Historical Review*, June, 1914.

<sup>2</sup>Reeves, J. S., *American Diplomacy under Tyler and Polk*. Baltimore. 1907.

<sup>3</sup>Adams, E. D., *British Interests and Activities in Texas, 1838-1846*. Baltimore. 1910.

<sup>4</sup>Smith, J. H., *The Annexation of Texas*. New York. 1911.

tion and presentation of his material he has been assisted by excellent judgment and a singularly lucid historical style.

To the first and fourth topics mentioned above Mr. Rives has added little that is new, but his work was well worth doing. Heretofore the only adequate account of the troubled politics of the first quarter-century of Mexican independence has been Bancroft's somewhat sprawling volumes, and this clean-cut digest, comprising about one-seventh of the book, will be welcome to the general reader, whose interest in Mexico has been stimulated by recent events, and to college classes touching this portion of American history. Similarly, the only comprehensive military history of the Mexican War has been Ripley's two volumes, published in 1849, and now rare and expensive. For these Rives's second volume forms a satisfactory substitute. The second and third topics occupy roughly one-half—and much the better half—of the book. Despatches from Murphy at London, Garro at Paris, and Almonte at Washington to the Mexican foreign office do much to illuminate the inter-related diplomacy of the three principal states, and carefully co-ordinated with the results of monographic studies give to those studies a new force. The pressure of the British government for the recognition of Texas by Mexico; its desire to prevent annexation, and its determination to do so, at the cost of war if necessary, provided France would assist; its determination to avoid war, without that assistance—notwithstanding the tentative bribe of California offered by Mexico—are all clearer than before. And Chapter XXIII is the best statement yet available of the relations between the United States and Mexico following the annexation treaty—made so largely by the use of Almonte's despatches, showing the earnest efforts of the United States to conciliate Mexico.

The author's conclusions on certain disputed points are worthy of statement: (1) he thinks that while President Jackson was far from being an impartial spectator of the Texas revolution, he had a high sense of the dignity and honor of the United States and did what he could to fulfill the neutral obligations of his government. "The bullying methods" which he employed in pushing pecuniary claims against Mexico "were the subject of just criticism," but he had followed substantially the same methods with France, and it seems more reasonable to consider them the result

of genuine indignation "than as part of a complicated plot." (2) Texas was the real issue in the election of 1844, and Polk's election was due "to the Western spirit of expansion, which was unwilling to put bounds to the growth of the nation, and therefore welcomed annexation." (3) Neither Polk nor the South in 1846 desired to force a war on Mexico, and the order which carried General Taylor to the Rio Grande was merely a measure of reasonable precaution. Certain inaccurate minutiae will reward the critical eye: it is now pretty well established that both Coronado and De Soto entered Texas (I, 3). The powers of Albert Gallatin were unequal to the task of convincing the British government that the Florida treaty gave us a clear title "even to the Pacific," though Mr. Rives makes the assertion without argument (I, 25). General Mier y Terán seems to have been responsible for the idea and the substance of the law of April 6, 1830, closing Texas to Anglo-American immigration (I, 195), though Alaman forced it through Congress. The population of Texas in 1830 was nearer ten than twenty thousand (I, 182), and a number of other unimportant inaccuracies in local Texas history could be catalogued. Butler probably deceived himself as well as Jackson in the hope of ultimately purchasing Texas (I, 247). He had all the promoter's optimism—and all the promoter's interest in the stake. The "abundance" of money which the Texan commissioners obtained in the United States in 1836 (I, 365) was less than one hundred thousand dollars. And one should like some citations for the assertion that in 1844 the Whigs were not severely opposed to annexation (I, 691). More serious is the feeling that Mr. Rives has confined his study too closely to the relations of governments and has considered too little the people. One finds it hard to realize, of course, that there is a Mexican people, but it is perfectly true, nevertheless, that popular opinion, skillfully manipulated, has generally exercised a considerable influence over the government. Except for a few references to the *Diario del Gobierno* and one to *El Sol*, Mexican newspapers have been entirely neglected, and the draft on such sources in the United States has not been heavy. One suspects, too, that the War Department archives at Washington and Mexico would have repaid inspection. In particular, one feels that those of Mexico might help to settle the question of Santa Anna's motives in marching to Buena

Vista (II, 341). Perhaps Mr. Rives was under no obligation to explore these collections in which the chaff so greatly out-bulks the grain, but he has done so well what he has done that one cannot repress the wish that he had done more. The index deserves a sentence of praise; it is excellent.

EUGENE C. BARKER.\*

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*Guide to the Materials for the History of the United States in the Principal Archives of Mexico.* By Herbert E. Bolton, Ph. D., Professor of American History, University of California. (Washington: The Carnegie Institution of Washington, 1913. Pp. xv, 553.<sup>1</sup>)

Mingled with the satisfaction felt in welcoming each new *Guide* published by the Carnegie Institution through its Department of Historical Research is a feeling of regret that Professor Bolton's substantial volume has fallen upon such troublous times. His task has been that of a veritable pioneer, achieved midst difficulties such as beset no similar undertaking. Our natural impulse is to praise the results accomplished and to express the hope that recent political disturbances have not vitiated them to any appreciable degree.

At the outset the author devotes a few pages to describing the conditions under which he worked and to necessary acknowledgments and explanations. He defines many of the technical terms used, and notes such practical points as working hours and climatic conditions. He then divides the archives of the country into two classes, those located in Mexico City and those outside, devoting to the former a little over four times the space given the latter. No one reasonably acquainted with the field will quarrel with him over this division. Many who may never see Mexico will appreciate the succinct historical sketches of the principal archives, as well as the appendix containing convenient lists of viceroys, archbishops, bishops and governors. Such hindrances as the lack of suitable manuscript lists or catalogues for even the best repositories, the frequent transfer of material from one archive

<sup>1</sup>This review is reprinted by permission from the *American Historical Review*, XIX, 638-640.

to another, and the inaccessibility of portions of certain collections have in a measure been overcome by the author's long and patient personal investigations. The index of seventy-two pages and frequent cross-references will do much to correlate the material treated.

Vast as this material is in bulk, Dr. Bolton points out that the greater part of it relates to the eighteenth and nineteenth centuries and that he has given little space to what does not specifically belong to territory within the present limits of the United States. He has described some important collections in sufficient detail, including dates and proper names, to enable investigators on the spot to determine what he wishes to examine. In most cases these descriptions are not sufficiently definite for the ordering of copies except through a trained intermediary. In other cases he devotes only a brief comment to an archive, especially one of the minor ecclesiastical ones.

The author devotes a third of his entire space to that most valuable and complete of Mexican repositories—"El Archivo General y Público de la Nación." Most of those who work in Mexico will wish that he had devoted more space to it, even at the expense of minor collections elsewhere. An historical sketch with a brief description of the present archive serves to introduce its various divisions. Two of these, the "Correspondence of the Viceroy" (344 vols.), and "Royal Cédulas and Orders" (419 vols.) are treated in a general way, at once clear and accurate. The late Professor George P. Garrison briefly described the section known as "Historia" (530 vols.), in the *Nation* for May 30, 1901. The present author supplements this with a forty-page commentary in which every important volume receives due mention. In addition he devotes fourteen pages to the subdivisions of this section, known as "Military Operations" and "Missions," comprising together more than a thousand volumes. He describes in detail only nine of the former, but the careful manuscript calendar of this and other collections made by Sr. Elias Amador and associates is accessible in the National Museum. To many who knew of the previous collections the hundred pages devoted to classifying and cataloguing the contents of the division "Interior Provinces" (254 vols.) and that of "Californias" (81 vols.) will prove a most valuable and unexpected source of information. The

volumes classed under "Justice" (ca. 1100 vols.) and "Marine" (ca. 200 vols.) also have considerable value. The remaining sixty-six sections of this archive comprising the bulk of its 7000 odd volumes and bundles contain only incidental references to the United States.

Aside from the description of the Archivo General, the ordinary student will note with interest the twenty pages devoted to the National Museum and the National Library, whose manuscript collections are largely ecclesiastical and archaeological in character. A few minor church and municipal collections call for no extended comment. The archives in the various secretariats—Foreign Relations, War and Marine, Government, etc.—occupy a space nearly equalling that given to the Archivo General. Few documents subsequent to 1821 appear in these collections and much material after that date is being transferred to the General Archive. The first document mentioned on page 223 is a case in point. These collections are particularly valuable for the relations between Mexico and the United States.

Outside the city of Mexico the archives of Guadalajara, Querétaro, and Zacatecas are valuable chiefly for ecclesiastical data; those of Durango, Monterey, Saltillo, and Chihuahua for political and economic material of a more local character, although containing church records of value. In addition the author mentions the archives of a few minor towns and some private collections, chiefly ecclesiastical. Investigations outside of the capital, however, are likely to prove disappointing. As one result of Professor Bolton's work we may hope to distinguish copies and originals more readily and to avoid some of the irritation caused by the excessive duplication of documents in the Mexican and Spanish archives.

ISAAC JOSLIN COX.

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"The Presidents of Texas," by C. Montgomery, is the title of an article that appeared in the *Democratic Review* of March, 1845 (xvi, 282-291). The writer briefly sketches the administrations of Burnet, Houston and Lamar. President Jones had been in office but a short time when this publication appeared.

"Texas and her Presidents; with a glance at her Climate and

Agricultural capacities. By Corinne Montgomery. New York: E. Winchester. 1845.

"The book is insufferably dull, and can only be tolerated in the anxiety which exists for information connected with the southern El Dorado of Texas."

The above title and the criticism appeared in the first number of *De Bow's Review*, January, 1846 (I, 95). The writer has seen no copy of this book. Is the biographical portion of "Texas and her Presidents" identical with "The Presidents of Texas?"

The dedication to *Verse Memorials* by Mirabeau B. Lamar (1857) is, "To Mrs. William L. Cazneau—so favorably known to the public by her pen, as 'Cora Montgomery,' and now the wife of one of my best and long-cherished friends—I beg leave to dedicate this little volume. Her name, like that of her husband, is identified with the history of Texas. Both have given their highest efforts and the best years of their lives to the support of her interests." W.

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*In Memory of Marcellus E. Kleberg* is the brief title of an octavo volume of ninety-five pages, containing "A record of telegrams, letters, resolutions and memorial addresses received by the family, and newspaper comments upon the death of Hon. M. E. Kleberg of Galveston, Texas, . . . together with extracts from some of his notable speeches and public addresses."

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"*Rodriguez Memoirs of Early Texas*" (San Antonio. 1913) is the title of an interesting brochure of seventy-six pages written by the late Judge J. M. Rodriguez, of Laredo, Texas, who died February 22, 1913. Judge Rodriguez was descended from one of the Canary Island settlers of San Antonio, and he himself was born there in 1829. After the Civil War he moved to Laredo, and for thirty-five years was county judge of Webb County. Though printed primarily for the family and friends of Judge Rodriguez, the booklet will be interesting to others. It begins with the writer's recollection of the siege of San Antonio by the Texans in November, 1835.

THE QUARTERLY has received "*A Family of Millers and Stewarts*" (St. Louis. 1909) by Dr. Robert Finney Miller, of San Antonio. Dr. Miller's father, Rev. James Weston Miller, came to Texas as a Presbyterian missionary from Pennsylvania in 1845, and became pastor of the church at Houston. He died at Gay Hill, April 29, 1888. He was survived by his wife, Elizabeth Scott Stewart Miller, who died at the same place, August 30, 1908.

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The initial number of the *Mississippi Valley Historical Review* is dated June, 1914. It contains "The United States and Mexico, 1835-1837," by Eugene C. Barker; "Review of McMaster's History of the People of the United States," by Carl R. Fish; "Louisiana as a Factor in American Diplomacy, 1795-1800," by James A. James; "Historical Activities in the Old Northwest and Eastern Canada, 1913-1914," by Solon J. Buck, and departments devoted to Notes and Documents, Book Reviews, and News and Comments. It is 164 pages in extent, paper, type and format are very good, and the board of editors gives ample assurance that it will be judiciously piloted through the rich field that it is to exploit.

## NEWS ITEMS

Major George W. Littlefield has established at the University of Texas a fund of \$25,000 for the collection of material on Southern history. He was induced to make this gift by the fact that American history as it has usually been written fails to give due recognition to the South's part in the development of the nation, and by the conviction that this condition can only be remedied by the collection and exploitation of the mass of neglected historical material now scattered and unavailable throughout the South. What he wishes is to prepare the way "for a full and impartial study of the South and of its part in American history." The fund yields \$1500 a year, and the principal is to remain intact for twenty-five years. This is the first practical step that has ever been taken to establish in any Southern college or university adequate means for the study of Southern history.<sup>1</sup>

Mr. J. F. Dufner, of Port Lavaca, Texas, has sent in the accompanying drawing of what he assumes to be a cross once in the possession of La Salle. Mr. Dufner enclosed the following sketch concerning the cross:

It is remarkable that the cross planted by La Salle in 1685 should ever have been discovered. While sailing up the Lavaca River nine miles from Port Lavaca in 1897, W. H. Huffaker noticed part of the cross sticking out of the ground where a recent rise in the river had caused several feet of the river bank to cave in. After some work he succeeded in excavating the cross. It is  $5\frac{1}{2}$  feet long,  $3\frac{3}{4}$  feet wide, and weighs 65 pounds. It is hand forged, and appears to be very old. From its antique look one would



<sup>1</sup>The John B. Hood Camp of United Confederate Veterans, of which Major Littlefield is a member, adopted resolutions of appreciation, which were published in *The Austin Statesman*, March 25.

think it several centuries old. The only marks on the cross were the letters "M" and "S," which appeared to have been rudely cut with a cold chisel. A few old cannon balls have been found near where the cross was found. However, the only evidence of a fort was that the dirt seems to have been thrown up in a ridge on the bank of the river.

While Mr. Dufner concludes that the cross was of French origin, it would be very difficult to prove that such is the case. The spot where it was discovered would seem indeed to be in the neighborhood of the accepted site of La Salle's fort, some three or four miles up the Lavaca River,<sup>1</sup> which would be roughly nine miles from the town of Port Lavaca. The Spanish presidio of La Bahía, however, was constructed in 1722 upon exactly the same site as the French fort, and there is no evidence to show that the cross may not have been of Spanish origin. Further investigation as to the place of discovery and closer examination of the cross itself may give some clue as to its identity, but until some conclusive evidence is advanced, it will be impossible to say whether the cross belonged to the French or is a relic of the later Spanish occupation.

W. E. DUNN.

With an appropriation made by the Thirty-third Legislature, the State of Texas recently purchased a marble bust of General Memucan Hunt, by the famous American sculptor Hiram Powers. The bust was acquired from the widow of General Hunt, and has been placed in the State Library.

The "Diary of E. S. Dodd, Company D, Terry's Regiment, Texas Rangers," is the title of an interesting Civil War relic that recently came into the possession of the Texas State Library. The diary covers the year 1863. Dodd was shot as a spy early in January, 1864.

"A miracle of faithfulness, being a biography of Mrs. Percy V. Pennybacker, President of the General Federation of Women's Clubs," by Peter Molyneaux, was published in *The Texas Clubwoman* (San Antonio), June 8, 1914.

<sup>1</sup>See Miss Buckey's article, "The Aguayo Expedition," *THE QUARTERLY*, XV, 58-59.

On May 27, 1914, the San Jacinto Chapter, Daughters of the Republic of Texas, unveiled a bronze tablet at the east entrance of the Rice Hotel, Houston, marking the site of the capitol of the Republic. Great-grandchildren of Sam Houston and Anson Jones participated in the exercises.

E. H. Loughery, author of "Texas State Government: A volume of biographical sketches and passing comment," died at Austin, March 31, 1914. While he did most of his writing as a newspaper man, he assisted in the compilation of a number of volumes, such as Raines' Year Books and Raines' Index to the Laws of Texas.

Mrs. Dilue Harris, whose reminiscences were published in *THE QUARTERLY*, IV, 85-127 and 155-189, died at Eagle Lake, April 2, 1914. The *Houston Chronicle* of April 3, and the *Post* of April 4, contain brief notices.

Milton Park, editor of *Southern Mercury* (Dallas) when the Farmers' Alliance flourished, and chairman of the Populist National Executive Committee, 1896-1900, died at his home in Dallas, May 8, 1914. Biographical sketches are printed in the *Dallas News* of May 10 and in *Who's Who in America*, 1912-1913.

Dr. F. E. Daniel died at his home in Austin, May 14, 1914. He is the author of "Recollections of a Rebel Surgeon" and edited the *Texas Medical Journal* (Austin) from its beginning in July, 1885. Biographies are printed in *Types of Successful Men of Texas* and in *Who's Who in America*, 1912-1913.

Recently there were placed in the University of Texas Library portraits of the following men painted by the artists named: James B. Clark, by R. Le Grand Johnson; John C. Townes, by George M. Stone, and Thomas U. Taylor, by William M. Chase.



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## THE EARLY SENTIMENT FOR THE ANNEXATION OF CALIFORNIA: AN ACCOUNT OF THE GROWTH OF AMERICAN INTEREST IN CALI- FORNIA, 1835-1846

ROBERT GLASS CLELAND

### CHAPTER III

#### FIRST EFFORTS OF THE POLK ADMINISTRATION

Having traced the course of the Tyler administration with regard to California, we must now turn to the internal affairs of the province and the growth of popular interest throughout the country in its concerns. During 1842 no emigration of any importance took place from the United States.<sup>1</sup> But the friends of the movement were busy;<sup>2</sup> and toward the close of the year, General Almonte, the Mexican minister at Washington, found it necessary to counteract their representations by an article denying the report that California officials extended a ready welcome to foreigners.<sup>3</sup> In this, however, he was giving the views of the Mexi-

\*Volumes I-XV published as THE QUARTERLY of the Texas State Historical Association.

<sup>1</sup>Bancroft, XXI, 341.

<sup>2</sup>Niles' Register, LXIII, 242; Larkin to James G. Bennett of the New York Herald, Feb. 2, 1842. Larkin MSS., II, No. 6.

<sup>3</sup>Baltimore American, Dec. 24, 1842, reprinted in Niles' Register, LXIII, 277.

can government, and not those of the authorities of the province.<sup>4</sup>

*Immigration and Commerce.*—In 1843 two considerable parties reached California under the direction of leaders who, having already made the journey, had returned to the western states to encourage others of their countrymen to follow their example. One of these companies, numbering perhaps forty individuals, was led by Lansford W. Hastings and came by way of Oregon.<sup>5</sup> The other, slightly larger, left Missouri in May under Joseph B. Chiles, a member of the Bartleson company of 1841. Dividing at Fort Hall, part of the emigrants completed their journey with Chiles, while the remainder followed Walker over a more difficult southern route.<sup>6</sup>

The year 1844 saw still further reinforcement of the American population in California,<sup>7</sup> accompanied by increased interest throughout the United States. Notice of the repeal of the law against foreigners by the Mexican government was published in the newspapers;<sup>8</sup> the state department was assured that Americans were looked upon with favor in California;<sup>9</sup> and numerous books and communications setting forth the advantages of the province were placed in the hands of American leaders.<sup>10</sup> Com-

<sup>4</sup>For the order against foreigners issued by the Mexican government, see above, *THE QUARTERLY*, XVIII, 35-36. The Californians opposed no objection or obstacle to the coming of the Americans. Bancroft, XXI, 380.

<sup>5</sup>Bancroft, XXI, 389-392; Hinckley to Larkin, July 20, 1843, notes the arrival of forty immigrants of respectable character under Hastings. He thought the country would soon be overstocked if the influx continued. Larkin MSS., II, No. 24.

<sup>6</sup>Bancroft, XXI, 393-395.

<sup>7</sup>*Ibid.*, 444 *et seq.*, notes two considerable parties—one under Andrew Kelsey of thirty-six persons, and the other under Elisha Stevens of nearly one hundred. The latter brought the first wagon ever used in a complete overland trip. See also Sutter to Larkin, July 7 and Aug. 8; Bidwell to Larkin, Dec. 13, 1844; Larkin MSS., II, Nos. 140, 157, 286.

From this on no attempt is made to follow in detail the arrival of emigrant parties, though note is usually made of the more important.

<sup>8</sup>*Niles' Register*, LXV, 353.

<sup>9</sup>Larkin to Secretary of State, Aug. 16, 1844. *Official Correspondence*, Pt. II, No. 4; same to same, Aug. 18, *Ibid.*, No. 9; same to R. J. Walker, Aug. 4, *Ibid.*, No. 11.

<sup>10</sup>Among these may be mentioned Thomas Jefferson Farnham's *Travels in California and Scenes in the Pacific Ocean* (New York, 1844); Charles Wilkes' *Narrative of the United States Exploring Expedition* (Phila-

mercial relations with the United States showed little change during this period.<sup>11</sup> The year 1843 was one of hard times, and the trading vessels had difficulty in securing even a fraction of their accustomed cargo of hides.<sup>12</sup> Whaling ships in larger numbers<sup>13</sup> continued to use the California ports, especially San Francisco, as depots, for reprovisioning and refitting. But until the

delphia. Lea and Blanchard. 1844, 1845); L. W. Hastings, *Emigrant's Guide to Oregon to Oregon and California* (Cincinnati. 1845), etc. Most of these gave the usual descriptions of the political conditions of California, and of its commercial and agricultural advantages. All devote considerable space to San Francisco. For the influence exerted in this way, especially by Farnham, see Thwaites, *Early Western Travels*, XXVIII, 14; and McMaster, *History of the United States*, VII, 297. Hastings's efforts in connection with immigration will be considered later. Wilkes's narrative, only a small part of which dealt with California, ran through several editions. A somewhat scathing review of the contributions made by Wilkes is to be found in the *North American Review*, XVI, 54-107.

Larkin also was busy at this time encouraging immigration. Besides his despatches to the State Department, already noted, he collected information regarding all arrivals and sent communications to the American papers tending to arouse an interest in California. See, for example, Larkin to Sutter, April 29, 1844; Larkin, *Official Correspondence*, Pt. II, No. 7; Robinson to Larkin, Sept. 24, 1844; Larkin MSS., II, No. 210.

<sup>11</sup>For a general description of trading conditions along the coast, see Larkin, *Description of California* (Commerce). Duties of the principal vessels amounted to sums ranging from \$5000 to \$25,000. A storage charge of twelve and a half cents (one *real*) was made for each large bale, and half the amount for wharfage. Tonnage dues were \$1.50 per ton. There were no health or quarantine regulations, and no further port charges or fees. There were no prohibitions or restrictions as to the class of imports, no bounty or navigation acts and no drawbacks. Smuggling was common, and the bribery of California customs officials a recognized part of the trade.

The following table of customs receipts shows pretty clearly the relative volume of trade from 1839 to 1845:

1839	\$ 85,613
1840	72,308
1841	101,150
1842	73,729
1843	52,000
1844	78,739
1845	138,360

Larkin to Secretary of State, Dec. 31, 1845. Larkin, *Official Correspondence*, Pt. II, No. 32.

<sup>12</sup>There were only 63,000 hides available for sixteen vessels. Bancroft, XXI, 339.

<sup>13</sup>Davis, *Sixty Years in California* (214-215) says that as many as thirty or forty whaling vessels were in the port of San Francisco at one time during 1843, 1844, and 1845. See also Larkin to Calhoun, Aug. 24, 1844. MS., State Department; same to same, Dec. 12—Thinks there will be six hundred American vessels on northwest coast within three years. *Official Correspondence*, Pt. II, No. 13.

middle of 1844 nothing of importance occurred to break the ordinary routine of trade conditions along the coast.

In that year, however, certain changes were made in the California tariff laws that benefited one class of American commerce and injured another. The practice had become common for vessels flying the Mexican flag to pay duties at Mazatlan; and thus, through the ruling of the Mexican law, to secure free access for their cargoes into California. This custom, however, was playing sad havoc with the profits of the Boston ships and with the revenues of the province, all of which were derived from customs receipts, as well. So, in order to protect the threatened provincial treasury and keep the New England trade, the assembly and governor calmly set the Mexican law aside and required all goods, whether paying duties at a port of the home government or not, to abide by the regulation of the custom house at Monterey;<sup>14</sup> while a further disregard for the national authority was shown, as indeed it long had been, by permitting the introduction of various commodities prohibited by Mexican law, upon the payment of local duties.<sup>15</sup>

The second alteration in the regulations governing trade along the coast, while of advantage to the Boston merchants, worked no slight temporary hardship upon the whaling vessels touching at California ports. This was a prohibition upon the long established practice of trading a limited amount of goods for needed supplies;<sup>16</sup> and was doubtless justified, as the privilege had been greatly abused, both to the detriment of the regular trade and the loss of revenue receipts.<sup>17</sup> At least one instance, however, is recorded where, if the captain's complaint be true, the new edict caused much inconvenience if not actual suffering.<sup>18</sup> The sub-

<sup>14</sup>The Californians claimed they did this because the Mazatlan officials, with the hope of lining their own pockets, allowed a lower rate of duty than the law specified, and that a receipt for customs duties was frequently given when only a bribe had been paid by the ship owner or captain.

<sup>15</sup>Larkin to Secretary of State, Sept. 16, 1844. *Official Correspondence*, Pt. II, No. 10; same to same, Oct. 16; Bancroft, XXI, 376-377.

<sup>16</sup>Larkin to Calhoun, Aug. 24, 1844. MS., State Department; same to United States Minister in Mexico, Aug. 14, 1844. *Ibid.*

<sup>17</sup>Bancroft, XXI, 376.

<sup>18</sup>Thos. A. Norton, captain of the *Chas. W. Morgan*, to Consul Larkin, Aug. 12, 1844—Has just put into port after a cruise of thirty-four months. Men down with scurvy—custom of all ports in Pacific to allow whalers

ject was reported by Larkin to the state department and was considered of sufficient importance to receive the notice of the President.<sup>19</sup> But, as a matter of fact, the new law seems to have had only a short existence; and whalers found little difficulty, after the first few months, in securing their share of the California trade.<sup>20</sup>

Various other occurrences during their period that had some bearing upon the American interests were the arrival of John C. Frémont at Sutter's Fort early in the spring of 1844 on his second exploring expedition;<sup>21</sup> the return of Lansford W. Hastings to the United States to encourage further emigration to California, in order to bring about its separation from Mexico; and the revolt of the native Californians against the Mexican governor, Micheltorena. As all of these incidents receive subsequent mention they need not detain us here, and we shall pass on to a consideration of Polk's diplomatic attempts to secure the province.

*Announcement of Polk's Policy.*—When Polk came into office on the 4th of March, 1845, the attention of the American people, as has been shown, had already turned toward California.<sup>22</sup> Two presidents, Jackson and Tyler, had made earnest efforts to purchase it from Mexico, in the name of the United States. It is not surprising, then, to find the annexation of this province figuring as one of the four important measures which the new President, even before his inauguration, had set his heart upon carrying into effect.<sup>23</sup> Polk's intentions, moreover, were not long kept

to sell goods and reprovision—will work a great hardship if denied him at San Francisco (Larkin *Official Correspondence*, Pt. II, No. 13). Larkin sent this letter to Governor Micheltorena.

<sup>19</sup>Calhoun to Larkin, Dec. 28, 1844. *Ibid.*, No. 303. It was brought by the president in turn to the attention of Congress.

<sup>20</sup>Larkin to Calhoun, Aug. 19, 1844. MS., State Department; same to Henry Lindsey, Editor of the *New Bedford Whaler's Shipping List*, Dec. 11. Larkin *Official Correspondence*. Pt. II, No. 11.

<sup>21</sup>Sutter to Larkin, March 28, 1844. Larkin MSS., II, No. 73. Frémont reached New Helvetia March 6.

<sup>22</sup>It was a singular coincidence, if nothing more, that caused the editor of the *New York Journal of Commerce* to publish in his paper of March 5, directly beneath Polk's inaugural address, an article headed, "*California Coming.*"

<sup>23</sup>The remaining three were the settlement of the Oregon boundary line, a reduction of the tariff, and the establishment of a subtreasury. See Edward G. Bourne, *Essays in Historical Criticism* (Yale bicentennial publications, II), 229; and various other authorities.

to himself. Official announcement of his desire to acquire California was made to the cabinet on September 16;<sup>24</sup> and the day following, the Washington correspondent of the *New Orleans Picayune* wrote: "It is predicted that Mr. Polk's administration will be signalized by the settlement of the Oregon question satisfactory to the American people; by the peaceful acquisition of the Californias, and by the adjustment of all our claims upon Mexico."<sup>25</sup>

For the accomplishment of this plan of annexation, four possible methods presented themselves—(1) By direct purchase from Mexico; (2) by revolt of the Californians, aided by resident Americans, against Mexico, and a request for admission into the United States; (3) by quiet delay, until a stimulated emigration from this country should overrun the province and declare its independence, even against the wishes of the Californians; (4) by forcible seizure of the territory in case of an outbreak of war, for whatever cause, with Mexico.

Polk did not lose much time after his accession to office in putting the first of these methods to a practical test. On March 6, General Almonte, the Mexican minister, demanded his passports because of the passage of the joint resolution for the admission of Texas; while Wilson Shannon, much to the regret of his own government, assumed the responsibility of breaking off diplomatic relations with Mexico because of his treatment at the hands of the minister of foreign affairs.<sup>26</sup>

*Appointment of Parrott.*—Almonte left New York on April 3, and on the same ship went Polk's confidential agent, William S. Parrott, for the purpose of securing Mexico's consent to the reception of a minister from the United States.<sup>27</sup> The choice of Parrott for this mission was ill-advised.<sup>28</sup> He had been a resident of Mexico for some years but apparently had little else to recommend

<sup>24</sup>*The Diary of James K. Polk*, edited by Milo M. Quaife, Chicago Historical Society's Collections, Vol. VI (Chicago. A. C. McClurg & Co. 1910), I, 34.

<sup>25</sup>*New Orleans Daily Picayune*, Sept. 27, 1845.

<sup>26</sup>*The Works of James Buchanan* (collected and edited by John Bassett Moore. Philadelphia and London. J. B. Lippincott Company. 1909), VI, 134-135.

<sup>27</sup>Reeves, *American Diplomacy under Tyler and Polk*, 269. For the full text of Parrott's instructions see Buchanan, *Works*, VI, 132-134.

<sup>28</sup>Reeves, 269.

him. On the contrary his record there had been anything but favorable. As one of the creditors against the Mexican government in 1842, he had put in a claim that Thompson, his own countryman, had characterized as "exaggerated to a disgusting degree."<sup>29</sup> His business dealings had also brought him into some disrepute even with men of his own nationality.<sup>30</sup> Furthermore, though this cannot be held wholly to his account, he was suspected of bringing with him authority to spend a million dollars in bribing Mexican officials.<sup>31</sup> And altogether he was a person very much disliked in the southern Republic.<sup>32</sup>

In spite of this handicap, however, and the more serious one that the purpose of his coming was openly proclaimed in Mexico,<sup>33</sup> Parrott managed after a fashion to fulfill his mission. On August 26, he wrote Buchanan that an envoy of the United States with proper abilities might "with comparative ease settle *over a breakfast* the most important national question," and that such a commissioner was almost daily expected.<sup>34</sup> As this opinion was confirmed by later dispatches from Dimond and Black,<sup>35</sup> the American consuls, the President and his cabinet resolved to send John Slidell of Louisiana secretly to Mexico, as the official representative of this Government.

*Failure of Slidell's Mission.*—The real purpose of Slidell's appointment, as announced at this time by Polk, was the purchase of Upper California and New Mexico. These, the President thought, might be obtained for fifteen or twenty millions of dollars; but he was willing to give twice the latter amount, if necessary. Indeed, Polk considered the worth of the territory involved, to the United States, as almost beyond reckoning in mere finan-

<sup>29</sup>Thompson to Webster, Nov. 30, 1842. MS., State Department.

<sup>30</sup>Larkin-Parrott Correspondence. Larkin MSS., *passim*.

<sup>31</sup>Black to Buchanan, July 3, 1845. MS., State Department.

<sup>32</sup>Black to Slidell, Dec. 25, 1845—"The Mexican ministry positively refuse to receive Parrott as Secretary of Legation." MS., State Department.

Polk's choice of confidential agent would have been much more suitable had he selected either Black, the American consul at Mexico City, or Dimond, who filled a like position at Vera Cruz.

<sup>33</sup>Reeves, 270.

<sup>34</sup>Parrott to Buchanan, Aug. 26. MS., State Department; also Reeves, 271.

<sup>35</sup>Polk, *Diary*, I, 34.

cial terms. With this appraisal the cabinet unanimously agreed.<sup>36</sup>

The day following the decision to attempt the reopening of diplomatic intercourse with Mexico, however, less reassuring reports from that country caused a temporary stay in the proceedings. And it was deemed best to delay Slidell's departure until the receipt of official assurance from the Mexican government, or at least of very definite information from the administration's agents, regarding his reception.<sup>37</sup> Black, accordingly, was instructed to secure a definite pledge from those in authority that an American minister, if sent, should not be rejected, while Slidell was told of his selection for the mission and instructed to hold himself ready for secret departure at a moment's notice.<sup>38</sup>

On November 6 despatches were received through Commodore Connor, commanding the United States Squadron in the Gulf of Mexico, that Mexico was ready to renew friendly relations and "receive a Minister from the U. States."<sup>39</sup> The President and secretary of state, therefore, decided to send Slidell at once, and agreed upon the general character of his instructions, which the latter drafted in rough form for cabinet discussion.<sup>40</sup> Two days later, Parrott arrived from Mexico with the original note of the secretary of foreign affairs, agreeing to the reception of a diplomatic agent from the United States; and also with assurances that the question of boundaries could be adjusted with Mexico in

<sup>36</sup>*Ibid.*, I, 34-35.

The line desired by Polk ran up the Rio Grande to El Paso and thence west to the Pacific. For the instructions to Slidell, however, see below, p. 129. If Jackson's offer, as Adams said, was only \$500,000 for the more valuable part of this territory but ten years before, one is tempted to think the present day promoters of California real estate are not without historical example for their claims.

<sup>37</sup>*Ibid.*, 35-36, entry for Sept. 17.

<sup>38</sup>*Ibid.*; also Buchanan to Black, Sept. 17. Buchanan, *Works*, VI, 260-261. Slidell was dubious as to his reception in Mexico, but prepared to leave whenever word should reach him from Washington. Slidell to Buchanan, Sept. 25, *Ibid.*, 264-265.

<sup>39</sup>Polk, *Diary*, I, 91. The quotation is important owing to the subsequent rejection of Slidell because of the wording of his commission. It is evident that Polk thought the Mexican government, as here stated, had agreed to receive him as *minister*. But see Tyler's, *Tylers*, III, 176-177.

<sup>40</sup>Polk, *Diary*, I, 91-92. A partial draft of these had already been prepared. *Ibid.*; also entry for Sept. 22.

a satisfactory manner.<sup>41</sup> That same night a commission as "Envoy Extraordinary and Minister Plenipotentiary to Mexico," and official instructions were forwarded by special bearer to Slidell at Pensacola.<sup>42</sup>

These instructions, which had been agreed to unanimously by the cabinet, were of considerable length and, except as they relate to California, need not detain us here.<sup>43</sup> In regard to that territory, however, Buchanan wrote: "There is another subject of vast importance to the United States, which will demand your particular attention."<sup>44</sup> . . .

The government of California is now but nominally dependent on Mexico; and it is more than doubtful whether her authority will ever be reinstated. Under these circumstances, it is the desire of the President that you shall use your best efforts to obtain a cession of that Province from Mexico to the United States. . . . Money would be no object when compared with the value of this acquisition. . . . The President would not hesitate to give, in addition to the assumption of the just claims of our citizens on Mexico, twenty-five millions of dollars for the cession.<sup>45</sup>

This offer of twenty-five millions, continued the instructions, was to be made for a line extending west from the southern boundary of New Mexico; or for any line that should include Monterey within the territory ceded to the United States. If this could not be obtained twenty millions were to be offered for a boundary "commencing at any point on the western line of New Mexico, and running due West to the Pacific, so as to include the bay and harbor of San Francisco." Elsewhere the importance attached to the acquisition of San Francisco by the administration was similarly shown. "The possession of the Bay and harbor of San Francisco," Slidell had been told, "is all important to the United States. The advantages to us of its acquisition are so striking that it would be a waste of time to enumerate them

<sup>41</sup>*Ibid.*, 93.

<sup>42</sup>*Ibid.*

<sup>43</sup>"His instructions were chiefly verbal." Schouler, *History of the United States*, V, 525. On the contrary, they were carefully written out and very explicit, filling twelve pages in printed form, of Buchanan's *Works*.

<sup>44</sup>For this omission, see Chapter V.

<sup>45</sup>For complete instructions, see Buchanan, *Works*, VI, 294-306. The part relating to California is on pp. 304-306.

here." It is well to remember this in connection with the question of the influence of slavery upon Polk's determination to possess California.

The difficulties Slidell met with in Mexico and his final rejection by the Paredes government are too well known to require mention at this time.<sup>46</sup> His despatches to the state department relating to California, also, for the most part belong to a subsequent discussion. It should be noted, however, that a certain phase of the administration's policy received considerable emphasis at this time. On December 17, Buchanan sent a communication to Slidell again urging upon him the importance of securing the cession of the California territory specified in his instructions, as it "would secure incalculable advantages" to the United States. At the same time he was authorized to make the payment of six millions of dollars, cash, upon the exchange of treaty ratifications.<sup>47</sup>

In February, after Slidell had left Mexico City, there seemed to be some prospect of making good use of this cash payment plan because of the pressing financial needs of the new government. "Aware that financial embarrassments alone can induce those in power to enter upon negotiations with the United States," wrote Slidell on the 6th, "I took care before leaving the Capital to convey through a person having confidential relations with the President a hint that those embarrassments might be relieved if satisfactory arrangements for boundary should be made."<sup>48</sup>

To this Buchanan replied that the United States would readily come to the assistance of Paredes, if he should bring about a satisfactory settlement of the boundary question; and that funds would be available immediately for the Mexican President upon the ratification of the treaty by his government.<sup>49</sup> A few days later Polk took preliminary steps to have such funds as might be necessary

<sup>46</sup>For Slidell's course in Mexico, see Reeves, 282-287; Schouler, V, 525-526; Jay, *Mexican War*, 211-220 (an account biased as usual); Rives, *The United States and Mexico*, II, 53-80 (perhaps the best account.) Slidell's desire to hasten his recognition by the Mexican government can be fairly accounted for on two grounds—his wish to be recognized by the Herrera administration before it should be turned out of office; and the urging of the president, who desired to end the uncertain condition of affairs with Mexico before the adjournment of Congress. Buchanan, *Works*, VI, 312.

<sup>47</sup>Buchanan to Slidell, *Ibid.*, 345; see also Polk, *Diary*, I, 125.

<sup>48</sup>Slidell to Buchanan, Feb. 6, 1846. MS., State Department.

<sup>49</sup>Buchanan to Slidell, March 12. Buchanan, *Works*, VI, 403.

for the carrying out of this purpose placed at his disposal by confidentially arranging with C. J. Ingersoll, chairman of the house committee on foreign affairs, and with Representative Cullom of Tennessee to introduce a bill authorizing a million dollars for this object, if at any time such method of procedure should be deemed advisable.<sup>50</sup> Here, then, we have the beginning of a policy the administration was to follow pretty consistently throughout the whole course of the Mexican War. It was embodied, it is scarcely necessary to remark, in the "two million" and "three million" bills of Wilmot Proviso fame; and, indirectly, in the return of Santa Anna.

But before this despatch reached Slidell, he was on his way home, thoroughly disgusted and disgruntled with the tortuous course of Mexican diplomacy. Polk had failed in his attempt to purchase California as Jackson and Tyler had failed before him, and for precisely the same reason, namely, the fear of the ruling faction in Mexico that any alienation of territory would be followed by a revolution before which they would go down in ruin.<sup>51</sup>

*Demoralized situation in California.*—Though nothing had come of Slidell's attempt to secure California by negotiation, Polk's line of effort, as has been said, was by no means limited to this one method. Even while his minister was seeking to obtain recognition from the Mexican government, the President was setting another agency at work to bring about the desired acquisition. But before considering what may be called Polk's internal policy regarding California, we must devote some space to the conditions existing there, especially with respect to the feeling of the inhabitants toward Mexico, and the significance of American immigration.

At the time Polk came into office, affairs were in such a state in California that it was generally recognized that the native leaders would soon throw off allegiance to Mexico and attempt an independent government or seek the protection of some more power-

<sup>50</sup>Polk. *Diary*, I, 303, entry for March 25. Polk had probably already interviewed Ingersoll on the subject a week previously. *Ibid.*; and entry for March 18, page 282.

<sup>51</sup>President Herrera asserted that the mere willingness to listen to Slidell's propositions had served as sufficient pretext for inciting the revolution that caused his overthrow. See a letter from Herrera, cited by Cass in the senate, on March 27, 1848. *Cong. Globe*, 30 Cong., 1 sess., page 493.

ful nation, either the United States, England, or France. The hold of Mexico was miserably weak and ineffective. Internal disorders and national debility rendered the task of preserving her own autonomy sufficiently difficult, and made the just government or adequate protection of so distant a province impossible. Upon this point there is universal agreement among writers. Sir George Simpson, describing California as it was in 1842, has given an unexaggerated picture of the lack of intercourse between the parent government and her political offspring.

"From what has been said," he writes near the close of his book,

It will not appear strange that the intercourse between California and Mexico has never been active. . . . Mexico has more intercourse with China than with California. . . . Advices are not received in Mexico from Monterey above once or twice in a year. The last deputy elected by California to the Mexican Congress informed me that during the two years he served, he only received two letters from California while in Mexico.<sup>52</sup>

Wilkes, too, on his voyage of exploration, though "prepared for anarchy and confusion" was surprised to find "a total absence of all government in California and even its form and ceremonies thrown aside."<sup>53</sup>

Nor was the military oversight exercised by Mexico any more efficient than the political. The fort at Monterey, the capital, and port of entry for the whole province, had not sufficient powder to salute the vessel upon which Simpson was a passenger, but had to borrow from the ship itself for the purpose.<sup>54</sup> Guarding the long inland reaches of San Francisco Bay, "where all the navies of the world might ride in safety," and through whose gates men thought the commerce of the east would shortly pass, Wilkes found a garrison of a single officer, in charge of a single barefooted private, and the former was absent when Wilkes arrived.<sup>55</sup> The naval force consisted of but one vessel. That mounted no gun of any

<sup>52</sup>Sir George Simpson, *Narrative of a voyage around the world during the years 1841 and 1842*. (London. 1847), I, 298-299. Simpson was governor of the Hudson's Bay Company.

<sup>53</sup>Wilkes, *Narrative*, V, 163.

<sup>54</sup>Simpson, *Narrative*, I, 190.

<sup>55</sup>Wilkes, *Narrative*, V, 152.

kind, and was so poorly manned that it could not make progress beating against the wind.<sup>56</sup>

Further citations might be made, almost *ad libitum*, to show the complete neglect of the civil and military needs of California by the home government. But these would be useless. The local officials, continually appealing for aid, were met with nothing more substantial than promises, exhortations to defend the country themselves from threatened dangers; or, as we shall see presently, with that which was worse than even this utter lack of assistance.<sup>57</sup>

*Revolution against Micheltorena.*—Under such circumstances it is not surprising to find the Californians setting aside Mexican laws whenever it suited their fancy, and almost as frequently deposing the governor sent out by the supreme government.<sup>58</sup> The revolution of 1836, resulting in the overthrow of Gutierrez, has already been mentioned. But this was only one of a numerous series. One writer has remarked that between 1831 and 1841, the government of California changed hands on an average of once a year; while the province not infrequently was "blessed with two governors at a time and once with triplets."<sup>59</sup>

The period between 1841 and the occupation of Monterey by Commodore Sloat, was scarcely less free than the decade just mentioned from civil disturbances. In 1842, General Micheltorena was sent from Mexico as governor, with an "army" for the defense of the province. The army consisted of some two or three hundred choice spirits picked, for the most part, from the na-

<sup>56</sup>Simpson, *Narrative*, I, 197.

<sup>57</sup>For example: Commandancia General to Ministro de Guerra y Marina, April 25, 1840 (Vallejo, *Documentos*, IX, No. 124); Vallejo to Ministro de Guerra, May 18, 1841 (*Ibid.*, No. 147); Alvarado to Vallejo, Nov. 30, 1841 (*Ibid.*, No. 369); Bustamente to Vallejo, April 25, 1840—Government trusts in his ability to defend the province from invasion. Civil war in Mexico prevents aid being sent immediately (*Ibid.*, No. 122).

<sup>58</sup>Dana noted the wretched policy pursued by Mexico in the character of men she sent out as officials. "The administradores," he wrote, "are strangers sent from Mexico, having no interest in the country; not identified in any way with their charge, and for the most part, men of desperate fortunes—broken down politicians and soldiers,—whose only object is to retrieve their condition as soon as possible. *Two Years before the Mast*, 195.

<sup>59</sup>J. M. Guinn, *Capture of Monterey* in Historical Society of Southern California, *Publications*, III, 70.

One is reminded by this of Houston's declaration that Mexico had seen three revolutions in twelve months, and Benton's interjection, "She has had seventeen in twenty-five years." *Cong. Globe*, 29 Cong., 2 sess., 459.

tional jails, and was a cause of constant bitterness and annoyance, even of actual fear, to the Californians.<sup>60</sup>

"Not one individual among them," said Robinson, who was present in California when the battalion arrived, "possessed a jacket or pantaloons; but naked and like savage Indians, they concealed their nudity with dirty, miserable blankets."<sup>61</sup> And what was even worse, he adds, a drill by daylight was usually followed by thieving expeditions at night. So that the general feeling in California over this latest acquisition from Mexico was similar to that of a former Governor of the province, who wrote respecting the colonists sent by Spain to aid in the settlement of the country, that, to take a charitable view of the subject, their absence "for a couple of centuries, at a distance of a million of leagues would prove beneficial to the province and redound to the service of God and the glory of the king."<sup>62</sup>

The presence of Micheltorena's thieving soldiers and the general character of his rule soon furnished the California leaders, Castro and Alvarado, an excuse for revolt. The first outbreak occurred in November, 1844; and on December 1st, Micheltorena signed a treaty binding himself to ship his undesirable followers out of the country within three months. The agreement, however, was not kept, and the Californians again took up arms. With the details of this revolution we have no concern, except to note the rather curious fact that of the foreigner residents who took any part at all in it, some joined with Micheltorena, and some with Castro and Alvarado. In the single battle of the campaign, however, they did no actual fighting on either side, as the list of casualties for the whole day's encounter—two horses killed by the one force and a mule wounded by the other—fully testifies.<sup>63</sup>

After this slaughter, Micheltorena was ready to capitulate, and in March, 1845, left California with the most of his ragged sol-

<sup>60</sup>Larkin to Secretary of State, Sept. 16, 1844. *Official Correspondence*, Pt. II, No. 10. Jones to Larkin, Oct. 22, 1842—Thinks Mexico is going to make California the Botany Bay of America. Larkin MSS., I. No. 354. See also Nos. 364-367, for further discussion.

<sup>61</sup>Robinson, *Life in California*, 207.

<sup>62</sup>Blackmar, *Spanish Colonization in the Southwest* in Johns Hopkins University Studies, VIII, 183.

<sup>63</sup>For complete description, see Bancroft, XXI, 455-517.

diery.<sup>64</sup> Although there were rumors at the time that this revolt was aimed to bring about separation from Mexico, these probably contained little truth. The Californians desired freedom in local affairs; and many of them cherished no great love for Mexico; but they hesitated to abrogate her authority entirely, not feeling strong enough to stand alone and fearing lest the protection afforded by a stronger power might prove more of a calamity than the neglect of Mexico.<sup>65</sup> In the northern part of the province, nevertheless, men of influence were driven by the desperate condition of affairs into recognizing the necessity of some radical change, either along the lines of complete independence or of coming under the protection of a more stable government than that of Mexico.

This feeling was greatly increased by the internal discord that prevailed even after the departure of the Mexican governor. Pio Pico, one of the southern leaders against Micheltorena, was chosen by vote of the assembly to take his place; while José Castro held the office of comandante general. Between these two, the latter representing the party of the north, the former the party of the south, peace was destined to be short lived. The removal of the capital from Monterey to Los Angeles, and the resultant separation of the civil offices by a distance of more than four hundred miles from the military headquarters, custom house, and treasury, made harmony among the native authorities still more unlikely.

During the summer of 1845 various dissensions arose. Civil war seemed imminent, and especially to foreign residents and Californians with property at stake the outlook was most discouraging.<sup>66</sup> "The country never was in a more disorderly, miserable

<sup>64</sup>I. C. Jones to Larkin, Feb. 26, 1845. Larkin MSS., III. No. 37.

Upon his arrival in Mexico, Micheltorena represented his expulsion as an act for which Americans were largely responsible. Bancroft, XXI, 513. This aroused considerable bitterness against the United States. Shannon to Calhoun, April 6, 1845. MS., State Department.

<sup>65</sup>Bidwell (*California*, 139), speaks of the "anomalous position" of the Californians, "as enemies to the United States as Mexicans, enemies to Mexico as regarded their local government, afraid of the former, not able to rely upon the latter, and not strong enough in themselves for independence."

<sup>66</sup>Jones-Larkin correspondence during this period (Larkin MSS.); Juan B. Alvarado, *Historia de California* (MSS., Bancroft Collection), II, 130-131; Bancroft, XXI, 518-543; *Ibid.*, XXII, 30 *et seq.* Prefect Manuel Castro to Andrés Castillero, Dec. 10, 1845, concerning measures to prevent civil war. Castro, *Documentos*, I, No. 238.

condition than at the present moment," wrote a friend to Alfred Robinson, who was then in New York, "we have no government. Pio Pico who was nominally governor has been arrested and imprisoned. The people at the north, as usual, are opposed to those of the south, and will be satisfied by none other than Alvarado for chief magistrate."<sup>67</sup>

Such disorganization and political uncertainty, together with the lax control exercised by Mexico, and the actual hostility to her interference in local affairs, had a three-fold result. Many of the Californians became reconciled to exchanging their allegiance to Mexico for any form of government that furnished protection and peace; it became generally recognized by those outside of California that the time was near for some such change to take place; and, finally, Polk was led to take active measures to bring the separation, when it came, to good account for the United States.

## CHAPTER IV

### EVENTS IMMEDIATELY PRECEDING THE OUTBREAK OF THE MEXICAN WAR

As the political conditions in California were favorable to the American interests during the opening months of Polk's administration, so also was the influx of immigration from across the mountains. From the chance and temporary bands of hunters who followed Jedediah Smith and the Patties, this movement had grown in 1844 to the organized companies of Bartleson and Kelsey. A year later the tide had come to a full head and the annual arrivals were numbered by the hundreds.

*Frémont's report.*—Then, as now, California had her publicity agents whose duty it was to attract settlers. By order of the government, Frémont, whose second exploring expedition<sup>1</sup> had led him across the Sierras,<sup>2</sup> published a report of his wanderings during the

<sup>67</sup>Robinson, *Life in California*, 213-214.

<sup>1</sup>Frémont's first expedition had taken place in 1842 but had gone no farther than the South Pass and Frémont's Peak in the Rocky Mountains.

<sup>2</sup>*Report of the Exploring Expedition in the year 1842 and to Oregon and North California in the years 1843-44*, by Brevet Capt. J. C. Frémont . . . printed by order of the House of Representatives (Washington, Blair, and Reeves, 1845), 228-229; Larkin to the State Department, April 12, 1844, enclosing a letter from Sutter. *Official Correspondence*, Pt. II, No. 3.

first part of 1845. His book was immediately seized upon by a public hungering for news of the regions west of the Rocky Mountains.<sup>3</sup> Written in a terse and interesting style, it at once brought its author into prominence and drew the attention of hundreds of readers to the country of which he wrote.

Though only a portion of the complete report dealt with California,<sup>4</sup> no other part was equal to this in graphic description. After a month of constant battle with the snows and starvation of the mountains,<sup>5</sup> Frémont and his party had reached the valley of the Sacramento at a time of the year when it was to be seen at its best. The contrast between the life and death struggle in the Sierras and this land of grass and flowers, well watered and timbered, full of game, and with the same "deep-blue sky and sunny climate of Smyrna and Palermo," was most dramatic in its appeal to the imagination.<sup>6</sup> One does not wonder that visitors, eager to hear more of this new land, so crowded upon the American explorer that he was compelled to secure a separate building for his workshop;<sup>7</sup> while Webster, still the friend of annexation, invited him to dine and "talk about California."<sup>8</sup>

<sup>3</sup>The report ran through four editions within two years. It is interesting to note that one of Frémont's chief objects was to discover whether or not the mythical Buenaventura River flowed from the basin east of the Rocky Mountains into the Pacific, thus opening up a waterway for the western outlet of the Mississippi Valley and a transcontinental route for the Chinese trade. Because no such river was found to exist he placed much more importance on obtaining the Columbia for the United States. *Report*, 255-256.

<sup>4</sup>The description of Frémont's passage of the Sierras and his stay in California occupies pages 229-256 of the *Report*.

<sup>5</sup>Two men went temporarily insane; half their mules were killed for food. *Report*, 229-244. Sutter wrote to Larkin, March 28, 1844, ". . . for a month . . . the company had subsisted entirely on horse or mule flesh—the starvation and fatigue they had endured rendered them truly deplorable objects." *Official Correspondence*, Pt. II, No. 3. The passage of the mountains occupied nearly a month. The party reached Sutter's March 6th.

<sup>6</sup>Frémont's description of California cannot be given by separate quotations. The whole of it must be read to be appreciated. One sentence, written after his departure, may be cited merely as an example. "One might travel the world over," he wrote, "without finding a valley more fresh and verdant—more floral and sylvan—more alive with birds and animals—more bounteously watered—than we had left in the San Joaquin." *Report*, 256.

<sup>7</sup>John Charles Frémont, *Memoirs of My Life* (Chicago and New York. Bedford, Clarke and Company, 1887), I, 413.

<sup>8</sup>*Ibid.*, 420.

*Magazine and newspaper activities.*—But Frémont was only one of a numerous band of writers who sang the praises of California, and preached, either directly or indirectly, its acquisition during this period. Alfred Robinson (whose book has already been quoted in these pages) published his *Life in California*, during the early part of 1846. The author had been for many years a resident of the country of which he wrote, as agent for the large Boston firm of Bryant and Sturgis, and his work at once found wide popularity. Its influence upon the public—and the same may be said of most of the contemporaneous writings of a similar nature—is shown by the following extract from a review of that day in Hunt's *Merchants' Magazine*, which also gives us pretty accurately the spirit of the time regarding California.

"When we reflect," said the writer, after speaking of the importance of California to the United States,

that this superb region is adequate to the sustaining of twenty millions of people; has for several hundred years been in the possession of an indolent and limited population, incapable from their character of appreciating its resources—that no improvement can be expected under its present control, we cannot but hope that thousands of our fellow countrymen will pour in and accelerate the happy period (which the work before us assures us cannot be distant) when Alta California will become part and parcel of our great confederation; and the cry of Oregon is only a precursor to the actual settlement of this more southern, more beautiful and far more valuable region.<sup>9</sup>

But California was not compelled to rely altogether upon such formal publications, as we have mentioned, for publicity. Americans residing there wrote constantly to friends at home or to the newspapers of "the States" in such a vein as was best calculated to attract the attention of future emigrants.<sup>10</sup> Emphasis in these communications, as usual, was laid upon the advantages of California from commercial and agricultural standpoints, San Francisco, especially, being held up as a necessary possession for the welfare of the United States. And, in addition, assurances were given that nothing stood in the way of those desiring to settle in

<sup>9</sup>Hunt's *Merchants' Magazine*, April, 1846, 350-353.

<sup>10</sup>Larkin, John Marsh, and Hastings were especially active in this respect.

the new region, either in the nature of passports, or of difficulties in securing land.

"A foreigner," said an authoritative article in the *New York Sun*, "can become a citizen of California by obtaining two signatures to his petition. He then possesses the right to take up vacant land, and may secure as much as eleven square leagues upon the payment of \$26 in fees. Many grants held by such owners are 33 miles long and 3 miles wide."<sup>11</sup> "The fertile plains of Oregon and California," said another communication to the same paper, "are resounding with the busy hum of industry; all around us are the germs of empire, prosperity and wealth. Those who would reap a harvest should come out young, secure their lands, and in ten years they will have their fortunes."<sup>12</sup>

These articles descriptive of California and urging its annexation to the United States, were not confined to the papers of any one locality or party. The *New York Journal of Commerce* of March 5, contained an article entitled, "California Coming," which declared the advantages to be gained from an acquisition of that territory would prove as great as those derived from the annexation of Texas and asserted that throughout the country there was general agreement as to the advisability of securing it.<sup>13</sup> "Information in regard to this favored portion of the globe," said the *New Orleans Courier*, in referring to California, "is eagerly sought after by our citizens as it is destined ere long to be annexed to the United States."<sup>14</sup> And even the *American Review*, the staunch organ of the Whigs, in a long and carefully written article urged the importance of securing California for the commercial and agricultural advantages that would thereby result to this government; and because of the inability of Mexico to make use of its resources.<sup>15</sup>

The *New York* papers, especially the *Sun*, *Herald*, and *Journal of Commerce*, were among the most active of the publications in

<sup>11</sup>Larkin to *N. Y. Sun*, May 28, 1845. Larkin MSS., III, 168.

<sup>12</sup>*N. Y. Sun*, Oct. (?), 1845; quoted in the *Washington Daily Union*, Oct. 11.

<sup>13</sup>*New York Journal of Commerce*, March 5, 1845; copied also in *Charleston Mercury*, March 10.

<sup>14</sup>Quoted in *Niles' Register*, LXVIII, 162.

<sup>15</sup>*American Review*, Jan., 1846; see also comment upon this in *Richmond Enquirer*, Jan. 26.

keeping California before the public eye. They took pains to print any article coming within their notice regarding it; and, in addition, had a regular correspondent living in Monterey in the person of Thomas O. Larkin.<sup>16</sup> Indeed, it may be said without fear of exaggeration, that most of the communications published in these three papers on the subject of California originated with Larkin. And, owing to the custom of "exchange" prevalent at the time, most of these found space in other journals throughout the country.<sup>17</sup>

*Proposed railroad to California.*—The interest of the *Sun* in this subject was rather strikingly shown by a letter from one of its editors, A. E. Beach, to his correspondent mentioned above. After thanking Larkin for the valuable information already furnished, Beach continued:

News from your quarter is looked for with deep interest here. Just now there are strong opinions that California will be joined to the United States. . . . We flatter ourselves that the *New York Sun*, will, if such a thing be possible, cause the measure to be carried into execution. Texas, owing almost entirely to the influence of this paper, has been annexed, and now, our editors say, "Why not California?" A letter which you wrote us some time since describing Monterey and harbor . . . seemed to have acted strongly on the public mind, and owing to what we have since said, they now look with a longing eye toward California. We have urged the purchase of it and that the contemplated railroad to Oregon should be turned to Monterey.

We wish, if convenient, you would give us your opinion of having a R. R. to Monterey and tell us where would be the best point to have it terminate.

You may judge what influence we have, from the fact that

<sup>16</sup>Larkin to *Journal of Commerce*, July 31, 1845 (Larkin MSS., III, No. 235). Same to James G. Bennett of the *New York Herald*, May 26, 1846 (*Ibid.*, IV, No. 129); *N. Y. Herald* to Larkin, Oct. 14, 1845 (*Ibid.*, No. 306); Hudson [for Bennett] to Childs [Larkin's brother-in-law in Washington], Dec. 5, 1846—"When you write to Mr. Larkin . . . please say . . . that so far as we can we will take care of California. We have always been in favor of the acquisition of that territory" (*Ibid.*, No. 337); see also Polk's *Diary*, I, 126-127. Larkin's communications were likewise sent to the *Boston Daily Advertiser*.

<sup>17</sup>For example, Larkin's letter of July 31 to the *Journal of Commerce* was reprinted from that paper in the *Washington Daily Union* of Oct. 21, 1845, and in the *Charleston Mercury* of Oct. 22. In how many other papers it appeared cannot be stated.

since we have spoken of Monterey as the terminus several persons are on the eve of starting for that place to purchase lands.<sup>18</sup>

This railroad project mentioned by Beach was at that time a subject of considerable speculation throughout the country, and the idea of securing the rich trade of China and the Sandwich Islands, without the long journey around the Horn, appealed to all those interested in commercial ventures. Asa Whitney's plan for a transcontinental line to Oregon received much attention and was laid before Congress near the close of October, 1845.<sup>19</sup> Many, however, who believed in the ultimate success of the undertaking, as in the case of the editor of the New York paper, advocated Monterey or San Francisco as the terminus,<sup>20</sup> thereby making the acquisition of these communities by the United States still more desirable.

*Increased Immigration.*—The western papers, in addition to such descriptions as were contained in those of the eastern states, were concerned with the actual organization and departure of emigrant companies.<sup>21</sup> Any report of the discovery of a shorter route to the new land at once received public notice;<sup>22</sup> while not infrequently such an advertisement as the following made its appearance in a local paper, to be copied by many another western editor:

"*Emigration*" (read the headline of this sample notice)

<sup>18</sup>Beach to Larkin, Dec. 24, 1845. Larkin MSS., III, No. 307.

<sup>19</sup>Letter of Whitney printed in Washington *Daily Union*, Feb. 6, 1846.

<sup>20</sup>*Daily Union*, Oct. 16, 1845, giving an outline of transcontinental routes. as follows: 1. Canal across the Isthmus of Darien. 2. Railroad along the Rio del Norte to San Francisco. 3. Line from St. Louis through the Rocky Mts. to Oregon ("California is henceforth to be the promised land to the emigrant seeking a home on the Pacific"). The New Orleans *Picayune* of Nov. 22 had a statement from Albert M. Gilliam, "late U. S. consul at California"—[Gilliam was appointed for San Francisco but never assumed his duties]—that California would soon fall into Anglo-Saxon hands and a railroad would be needed to terminate at San Francisco.

<sup>21</sup>Extracts upon this subject from the St. Louis *New Era*, the Burlington *Hawkeye*, the St. Louis *Reporter*, the Missouri *Era*, were printed in the single issue of the *Daily Union* for May 20, 1845.

<sup>22</sup>Extract from the *Western Expositor* stating that Frémont's return from California would probably result in the discovery of a route 300 or 400 miles shorter than the one already in use, and the saving of two months' time on the trip. *Daily Union*, July 31, 1845; New Orleans *Picayune*, April 22, 1846.

FOR CALIFORNIA—A large party of settlers propose leaving Arkansas for California, next May.<sup>23</sup> The chairman of the Committee of Arrangements gives notice in the *Little Rock Gazette* that the Californians will rendezvous at Fort Smith, Arkansas, on the first Monday in April next, preparatory to taking up the line of march for the Pacific Coast. Every person starting is expected to be well armed with a rifle or heavy shot-gun, 16 pounds of shot or lead, 4 pounds of powder, etc.<sup>24</sup>

As a result of all this publicity, emigration to California received a decided impetus. In May, 1845, it was commonly reported that 7000 persons had assembled at Independence, Missouri, ready to take the road to Oregon and California.<sup>25</sup> In November, Larkin informed the state department that some three hundred or four hundred of this company had arrived at the headwaters of San Francisco Bay.<sup>26</sup> From this time on, arrivals continued in a steady stream; while exaggerated rumors of future immigration were flying thickly through the province.

As early as July 15, Sutter had predicted the arrival of "more as 1000 Souls" within six or eight weeks.<sup>27</sup> Marsh was confident that two thousand immigrants would shortly be in the territory.<sup>28</sup> Stephen Smith, writing to Calhoun from Bodega, placed the number actually on the border at one thousand.<sup>29</sup> And a little later a report reached Larkin that the number would soon be increased by ten or twenty thousand, though the writer added that he him-

<sup>23</sup>Parties for California always left in the spring in order to cross the mountains during the summer, and arrived in California during the fall. A late passage of the Sierras was accompanied with great danger, as for example, in the case of the Donner party.

<sup>24</sup>*Daily Union*, Jan. 9, 1846. This project had been conceived some time before; 1000 persons were to be enlisted, their goods shipped by sea while they themselves went overland. *Ibid.*, Sept. 17, 1845.

<sup>25</sup>*Daily Union*, May 20, 1845; Robinson [from N. Y.] to Larkin, May 29. Larkin MSS., III, No. 170.

<sup>26</sup>Larkin to Secretary of State, Nov. 4, 1845 (*Official Correspondence*, Part II, No. 28); also same to same, June 16, 1846 (*Ibid.*, 94-96); same to F. M. Dimond, United States consul at Vera Cruz, March 1, 1846 (*Ibid.*, No. 91); same to United States minister at Mexico, April 3, 1846 (*Ibid.*, No. 78).

<sup>27</sup>Sutter to Larkin (Larkin MSS., III, No. 220): same to same, Oct. 8, 1845. Thousands coming within the year. Mexico cannot stem the stream; if she tried they would "fight like Lyons." *Ibid.*, No. 315.

<sup>28</sup>Marsh to Larkin, Aug. 12. *Ibid.*, No. 247.

<sup>29</sup>Jameson, *The Correspondence of John C. Calhoun* (Washington. American Historical Association. 1900), 1069.

self did not believe more than two or three thousand would really come.<sup>30</sup>

Mention has been made of the emigration from Oregon to California in the years previous to 1845. The same movement continued to supply the latter territory with much of its American population. Many of these came directly from the northern country; others starting originally for the Columbia, decided *en route* to change their destination to California.<sup>31</sup> The usual division point for such parties was at Fort Hall, which still remained in the hands of the Hudson's Bay Company; and it was reported that British officers at the Fort were taking a hand in this proceeding, persuading Oregon bound settlers to turn off for California in order to preserve the Columbia to England.<sup>32</sup> On the other hand, it should be remarked that English papers condemned the so-called emigration to Oregon, which was creating so much excitement throughout the United States, as simply a ruse for the occupation of California.<sup>33</sup>

Between the Americans most interested in the respective settlement of the two territories, a good deal of rivalry prevailed. Among the Oregon enthusiasts a committee was organized to counteract the representations of the California agents;<sup>34</sup> while the latter pursued an even more aggressive campaign in winning recruits for the colonization of the southern country.<sup>35</sup>

<sup>30</sup>Sutter to Larkin, March 2, 1846 (Larkin MSS., IV, No. 53); Hastings to Larkin, March 3, 1846. *Ibid.*, No. 55.

<sup>31</sup>See for example statements of Ide, Swasey, and Clyman in their published works.

<sup>32</sup>Letter from an Oregon immigrant to the *Ohio Patriot*, copied in the *Daily Union*, Dec. 30, 1845; also extract from *Sangamon Journal* in the *Daily Union*, Jan. 1, 1846.

<sup>33</sup>The *London Athenaeum*, July 11, 1846, in reviewing Robinson's *Life in California*, said that emigrants leaving ostensibly for the Willamette Valley were really bound for California and that the whole country was determined to possess San Francisco; the *London Illustrated News*, Oct. 11, 1845, said the majority of emigrants to Oregon leave as soon as possible for California; letter of Sir George Simpson in *Niles' Register*, LXVIII, 393—1000 of 5000 Oregon emigrants have left for California; *New Orleans Picayune*, Aug. 7, 1845—statement to same effect.

<sup>34</sup>Bancroft, XXIX, 552, n.

<sup>35</sup>Marsh to Larkin, Aug. 12, 1845. Has seen the newspaper articles by Oregonians derogatory to California. Will write in defence a reply setting forth the merits and advantages of the province. Larkin MSS., III, No. 247.

"*The Texas Game.*"—This emigration to California, during 1845 and the first months in 1846, of which we have just been speaking, was prompted by more than a desire for mere settlement. "Once let the tide . . . flow toward California," wrote one of Larkin's New York friends, "and the American population will be sufficiently numerous to play the Texas game."<sup>36</sup> "Are there not enough wild Yankees in California to take the management of affairs in their own hands?" asked another, adding that the United States must eventually spread south of the 42d parallel, "as our territory on the Pacific is too narrow altogether, the outlet is not sufficient for the back country."<sup>37</sup> A third believed two or three hundred Yankee riflemen, in conjunction with the Californians, could bring about a separation from Mexico, and suggested that as the thirty Americans taken by the British Government in the Canadian revolt and sent to New South Wales, were even then at Honolulu on their way home, they might find more congenial occupation in California than in the States.<sup>38</sup>

"We only want the Flag of the U. S. and a good lot of Yankees and you would soon see the immense natural riches of the country developed, and her commerce in a flourishing condition. To see that Flag planted here would be most acceptable to the Sons of Uncle Sam, and by no means repugnant to the native population,"<sup>39</sup> wrote Stephen Smith, who had recently been released, for lack of evidence, from a charge of conspiring to declare California independent.<sup>40</sup> It was probably, therefore, with some idea of fulfilling these expectations that many of the immigrants reached the province.

*Proposed union with Texas.*—Aside from the plan of uniting California with the United States after its separation from Mexico, the idea also prevailed of making it an independent nation, dominating the commerce of the Pacific and enriching itself from the Asiatic trade. In the early years, as we have seen, the plan had been broached of annexing it to Texas.<sup>41</sup> And as late as

<sup>36</sup>Robinson to Larkin, May 29, 1845. Larkin MSS., III, No. 170. Robinson added that the papers were filled with such suggestions.

<sup>37</sup>Atherton to Larkin, March 4, 1846. *Ibid.*, IV, No. 58.

<sup>38</sup>Hooper to Larkin (from Honolulu), April 29, 1845. *Ibid.*, III.

<sup>39</sup>Smith to Calhoun, Dec. 30, 1845. Calhoun *Correspondence*, 1069.

<sup>40</sup>Bancroft, XXI, 601.

<sup>41</sup>THE QUARTERLY, XVIII, 17, n. 53.

1844,<sup>42</sup> Houston wrote to Murphy that a nation embracing Texas, California, Oregon and the two provinces of Chihuahua and Sonora would "not be less than a rival power to any of the nations now in existence. . . . It is impossible to look upon the map of North America and not perceive the *rationale* of the project."<sup>43</sup> A few months later Donelson found him awaiting the action of the United States Congress on annexation, but still revolving a plan for the increase of Texan domain, dwelling with some fondness "upon the capacity of Texas to extend her territory to the Pacific and even detach Oregon from us, because there are no Alleghanies to separate them;"<sup>44</sup> while in April, 1845, the London *Times* was urging the adoption of a similar measure, so that the territory in question might possess "an original character and an independent existence."<sup>45</sup>

*California and Oregon as an independent nation.*—All of these schemes, however, came to an end with the annexation of Texas by the United States. But the conception of an autonomous nation, composed of Oregon and California, still proved very attractive to many minds. It was an old idea, tracing its origin back at least to 1812, when the father of American expansionists expressed his conviction that men of his own nationality would one day "spread themselves through the whole length of that coast [the Pacific], covering it with free and independent Americans, unconnected with us but by the ties of blood and interest, and employing like us the rights of self-government."<sup>46</sup>

The attention drawn to the whole Pacific coast by the Oregon controversy and the rapidly growing necessity for a change in the control of California, made Jefferson's prophecy appear to many the best solution for both problems. For it had long been felt that the vast distance separating Oregon and the United States, and the appalling difficulties of the route, would prevent its ade-

<sup>42</sup>See also Green's report of Hasting's scheme, *THE QUARTERLY*, XVIII, 36-37.

<sup>43</sup>William Carey Crane, *Life and literary remains of Sam Houston of Texas* (Philadelphia. J. B. Lippincott & Co., 1884), 366-370.

<sup>44</sup>Donelson to Jackson, Dec. 28, 1844. Jackson MSS.

<sup>45</sup>*Niles' Register*, LXVIII, 205.

<sup>46</sup>Thomas Jefferson to John Jacob Astor, May 24, 1812 (*The writings of Thomas Jefferson*. Ford ed. New York. G. P. Putman's Sons. 1898), IX, 351.

quate government by the authorities at Washington. Nor did it seem possible to some minds that the western boundary of the Republic should extend beyond the Rocky Mountains.<sup>47</sup> To those who held such views it appeared both natural and expedient that California and Oregon should be united into a strong, independent country, settled by American emigrants, and standing on the Pacific as a sort of complementary nation to the United States.

"The situation of California," said Wilkes in his official report, "will cause its separation from Mexico before many years. It is very probable that the country will become united with Oregon with which it will perhaps form a state that is designed to control the destiny of the Pacific."<sup>48</sup> A year or two later, Waddy Thompson assures us, he was told of a definite plot to separate California from Mexico and asked if the United States would be willing to surrender her title to Oregon so that that territory and California might be made into a Republic.<sup>49</sup> Benjamin E. Green sent much the same report to Calhoun, adding, however, that the Oregon settlers were not anxious for the plan, provided they could receive aid and encouragement from the United States in maintaining their hold upon Oregon.<sup>50</sup> In England, also, the idea of an independent state on the Pacific seems to have obtained some favor. Lord Ashburton wrote Webster that the power possessing Oregon and California should be independent of Great Britain and the United States, but of the English race;<sup>51</sup> while Louis McLane, when ambassador to England, in one of his despatches to Buchanan, spoke of the plan as having been "suggested simultaneously by certain classes on both sides of the Atlantic," adding, it may be remarked, that such an arrangement would work untold disadvantage to this government.<sup>52</sup>

References to this plan, likewise, were frequently met with in

<sup>47</sup>*Annals of Congress*, XL, 422-423; 508-509; Thomas H. Benton, *Thirty years' view* (New York: D. Appleton and Company, 1854), II, 430; McMaster, *History of the United States*, VII, 296-297; 300-301, and authorities quoted.

<sup>48</sup>Wilkes' *Narrative*, V, 182-183.

<sup>49</sup>Thompson, *Recollections*, 232. His informant was Lansford W. Hastings.

<sup>50</sup>Green to Calhoun, April 11, 1844. *Calhoun Correspondence*, 946.

<sup>51</sup>George Bancroft to Polk, April 27, 1845. Polk MSS.

<sup>52</sup>McLane to Buchanan, Dec. 1, 1845. MS., State Department.

the debates in Congress. As late as March, 1846, in a discussion of the Oregon question, Senator Evans of Maine declared the union of that territory and California, separated as they were from the United States by an almost impassable barrier of mountains, would promote the interests of this country much more as an independent nation than as a territorial possession.<sup>53</sup> On the other hand, an opponent of Evans assured the senate that unless some action was speedily taken to settle the status of the region around the Columbia, the settlers there would place themselves under French or English protection, be joined by the Californians, and eventually control the coast from the Isthmus of Darien to the southern boundaries of Alaska.<sup>54</sup>

As a local affair, the proposed union with Oregon aroused considerable speculation in California. Lansford W. Hastings had come to the province in 1842 with the express purpose, as we have seen, of bringing about its separation from Mexico and uniting it either with Texas or with Oregon, in the latter event making himself president of the new Republic.<sup>55</sup>

In the intervening years his time had been occupied in efforts to encourage emigration throughout the United States, and with the conducting of parties, thus organized, into California.<sup>56</sup> By 1845 the idea of independence and union with Oregon was frequently mentioned in the correspondence of American residents, some of whom favored it above annexation to the United States.<sup>57</sup> Dr. John Marsh, one of the older settlers, communicated his views at some length to Larkin, but took the ground that California must first become part of the American Union and not attempt a separate existence with Oregon until immigration should render such a step advisable.<sup>58</sup> Continuing, Marsh said that the settlers

<sup>53</sup>*Cong. Globe*, 29 Cong., 1 sess., p. 478.

<sup>54</sup>*Ibid.*, 350.

<sup>55</sup>Bidwell, *Life in California*, 110-112; 116; Calhoun *Correspondence*, 940 *et seq.*; Bancroft, XXI, 578.

<sup>56</sup>Hartnell to Wyllie, March 17, 1844. Vallejo *Documentos*, XXXII, No. 14.

<sup>57</sup>Stephen Reynolds (Oahu) to Larkin, April 19, 1845—Believes if California unites with the United States the nation will be too unwieldy to last (Larkin MSS., III, No. 116): Atherton to Larkin, Feb. 11, 1845. *Ibid.*, No. 25.

<sup>58</sup>Marsh to Larkin. Larkin MSS., III, No. 247. Marsh included the territory north of the Columbia in his scheme, perhaps as far as the 54th

on the Willamette were anxious to unite with the Californians, while some expressed a desire to join with Oregon. Under such circumstances he thought it would be wise if Larkin were to feel the pulse of Alvarado on the subject; and prophesied that, if the union could be accomplished, a new empire would arise on the Pacific, whose capital located on San Francisco Bay, "possibly on the site occupied by the miserable village of Yerba Buena," would "in the next century become one of the great emporii<sup>59</sup> of the world."

*Rumors of Mormon Hegira.*—In addition to this plan of uniting Oregon and California, another movement was reported to be on foot in the United States that would result in the separation of the latter from Mexico. "California now offers a field for the prettiest enterprise that has been undertaken in modern times," Governor Ford is said to have written to Brigham Young, leader of the Mormons, early in 1845. "Why should it not be a pretty operation for your people to go out there, take possession of and capture a portion of that vacant country and establish an independent government of your own, subject only to the laws of nations?"<sup>60</sup>

Whether, as appears very doubtful, such a letter were ever written is immaterial.<sup>61</sup> The fact remains that the conception of a Mormon empire on the Pacific proved so attractive to the leaders of this sect<sup>62</sup> that preparation was made to emigrate as a body to the region around San Francisco. Lansford W. Hastings, who had returned again to the United States to obtain more settlers, was easily prevailed upon to make himself a sort of advance agent for the host and made his way back to California to prepare the ground for their coming.<sup>63</sup>

Reports of the design spread throughout the United States and

parallel. From the tone of this letter Larkin had evidently expressed himself in favor of the Oregon union.

<sup>59</sup>Marsh was a Harvard College graduate.

<sup>60</sup>Ford to Young, April 8, 1845, in Edward W. Tullidge, *History of Salt Lake City and Its Founders* (Salt Lake City. Edward W. Tullidge), 8.

<sup>61</sup>Polk, *Diary*, I, 205-206.

<sup>62</sup>Tullidge claims the plan originated as early as 1842, and that in 1844 Brigham Young instructed the twelve apostles to send out a delegation to investigate Oregon and California. *Ibid.*, 4-6.

<sup>63</sup>He arrived at Sutter's on Dec. 25, 1845. *Diary of New Helvetia Events*, MS., p. 25; Leese to Larkin, Jan. 12, 1846. Larkin MSS., IV, No. 12.

aroused no little opposition,"<sup>44</sup> the president, even, being petitioned to prevent the movement, but refusing because "the right of emigration or expatriation was one which any citizen possessed."<sup>45</sup> Plans were made for an overland journey, to include the larger part of the Prophet's followers; while a smaller number were to be sent around by sea. This latter party, numbering nearly two hundred and forty, left New York in the *Brooklyn* on February 4, 1846, under the command of Samuel Brannan; while the main body, under Young, began its slow and toilsome way across the continent.

With neither of these companies has the present account much further concern. The one reached San Francisco on July 31, three weeks after Commodore Sloat's arrival, and tradition says that Brannan's first remark upon entering the harbor was, "There is that damned flag again."<sup>46</sup> The other, so it is said, stopped at Salt Lake because messengers from California met them there with word of the American occupation.

*New activities of Lansford W. Hastings.*—Hastings, meanwhile, in California was prophesying its speedy independence and claiming the connivance of the United States government in his project. As early as November, a friend in Boston had written Larkin to conduct his business as he would have done had he been in Texas ten years before, with a knowledge of the changes that were to occur there. Capital, he went on, was to be spent colonizing California; and a revolution, backed by American men and money, would soon result. The settlement of Oregon was only a blind for the occupation of the Mexican province. "The egg is already laid not a thousand miles from Yerba Buena and in New York

"Editorial in the *New York Sun*, and a letter from Bennett of the *New York Herald*, stating that 25 companies of 100 families were bound for San Francisco Bay, and would become troublesome to the United States, either in Oregon or California and the government should look to the matter. Reprinted in the *Washington Daily Union*, Nov. 20, 1845.

John H. Everett (Boston) to Larkin, Dec. 12, 1845—Mormons will be in California next spring and act as the Israelites did toward the nations among whom they came—"kill you all and take your possessions. . . . One of today's papers says . . . 10,000 are to start for California. Look out for an avalanche." Larkin MSS., III. Beach (*New York Sun*) to Larkin, Dec. 24, 1845—100,000 Mormons will be in California by spring. *Ibid.*, No. 407.

<sup>44</sup>*Diary*, I, 205-206.

<sup>45</sup>Bancroft, XXII, 550.

the chicken will be picked. Our men of war are not ordered to California for nothing."<sup>87</sup>

Hastings, as has been said, was advancing much the same idea of a strong backing in the United States, and even the sanction of the government. Thousands of people, he wrote Larkin, had their eyes turned to Oregon and California, determined to make a final move and establish a permanent home. The firm of Benson and Company was about to establish a large commercial house somewhere in the territory, and send two ships a year to the coast for the free transportation of colonists. Under pledge of secrecy he concluded, "The arrangement is a confidential government arrangement. The expense thus incurred is not borne by that house, but by our government, for the promotion of what object you will readily perceive."<sup>88</sup>

How much ground Hastings had for this statement cannot be known. His project plainly embraced a much wider scope than the single element of the Mormon settlement; and it is probable that the commercial firm mentioned in his letter was actually concerned in a scheme for colonizing certain portions of the country. It is scarcely possible, however, that the government had any hand in it, as he insisted and doubtless believed.<sup>89</sup>

<sup>87</sup>Samuel J. Hastings to Larkin, Nov. 9, 1845. Larkin MSS., III, No. 570. This Hastings had frequently been on the California coast as master of the brig *Tasso*. Whether he was a kinsman of the Lansford Hastings so frequently mentioned is uncertain; but evidently he had knowledge of his plans. See also Everett (Boston) to Larkin, Sept. 15—"if the plan of a colony succeeds we may soon expect a declaration of independence or a desire of annexation from your part of the world." *Ibid.*, No. 290.

<sup>88</sup>L. W. Hastings to Larkin, March 3, 1846. Larkin MSS., IV, No. 55. Hastings was even then on his way to Oregon after more settlers. He had placed the number expected during the following year at 20,000.

<sup>89</sup>Tullidge insists that Brannan learned that the government was preparing to hinder the emigration of the Mormons (because it was feared they would join with the English or Mexican interests in California against the United States) and that Amos Kendall and other prominent men in Washington undertook to prevent this, provided Young and his followers would deed to them "through A. G. Benson and Co.," half the lands and town lots they secured in California. It was also said that Polk was a silent partner to the scheme.

Some interesting light is thrown on this assertion by Polk's *Diary*. Kendall seems to have taken a pretty active interest in Mormon affairs, as the Salt Lake historian says; and Polk refused, as we have shown, to prevent their emigration. But the president scarcely would have lent himself to any such scheme of petty blackmail. *Diary*, I, 444; 449-450; 455-456.

*Native attitude toward the Americans.*—Having spoken at length of the conditions existing in California, the feeling of the United States regarding its acquisition, the flow of immigration across the mountains that formed its eastern boundary, and the various rumors of independence current during the period, we come again to a discussion of the president's policy as it was affected by these circumstances. A further word, however, will be necessary to understand the attitude of the native Californians toward the Americans.

Naturally, the influx of strangers during the year 1845, and the known wish of the United States to possess California, caused some apprehension among those of its inhabitants who desired to see the province remain under Mexican control. But on the whole there was little in the treatment accorded the immigrants by the Californians of which they had a right to complain. Frequent orders requiring their expulsion came from Mexico, but they were uniformly set aside by the California officials.<sup>70</sup> Though sub-Prefect Guerrero, perhaps with much justification, wrote to Castro: "Friend, the idea these gentlemen have formed for themselves is, that God made the world and them also, therefore what there is in the world belongs to them as sons of God,"<sup>71</sup> he seems to have taken no measures to expel the foreigners from his own district. And while Castro, with some heat, declared before a *junta* at Monterey, "these Americans are so contriving that some day they will build ladders to touch the sky, and once in the heavens they will change the whole face of the universe and even the color of the stars,"<sup>72</sup> he perhaps thought it useless to endeavor to keep them from changing the destiny of California.

Indeed, the only measures that looked toward putting a stop to immigration, aside from *juntas* and meetings of the assembly (which came to nothing), were a recommendation made by Castro and Vallejo to the central government to purchase the fort at New

<sup>70</sup>Larkin to State Department, June 5, 1845—3 or 4 orders received from Mexico. Commandante General informs him he is perfectly willing to lay these aside and allow men to proceed to any place they desire (*Official Correspondence*, Pt. II, No. 22); also, Castro, *Documentos*, I, Nos. 152, 214; Bancroft, XXI, 604-605.

<sup>71</sup>Guerrero to Castro, Jan. 24, 1846. Castro, *Documentos*, VI, No. 309.

<sup>72</sup>Alvarado. *Historia de California*, II, 133-134.

Helvetia from Sutter;<sup>73</sup> and an abortive expedition from Mexico that was intended to cope with the incoming Americans. The control of New Helvetia, had it been in California hands, could have been made a serious obstacle to the arrival of parties across the Sierras; but though Sutter encouraged the suggested purchase, the proposition got no further than the Mexican archives. The second expedient met with no better success, ending in charges of extravagance, corruption, and the final revolt of such soldiers as had been assembled, even before they left Mexico, most of them turning from the expedition to aid Paredes in his contest with Herrera.<sup>74</sup>

*Larkin as Polk's informant.*—Of the progress of all these events in California, Polk was well informed. Not merely did he have the usual channels of news, which, as we have seen, kept the public aware of much that transpired in the province; but in Thomas O. Larkin he had an additional source of reliable and frequent information.<sup>75</sup> The American consul's despatches, from the time of his appointment, dealt with the four or five broad topics that were of vital interest to the authorities at Washington in forming their California policy. These were, first, the condition of California from a political and military point of view and the strength of its loyalty to Mexico; second, the sentiment among the inhabitants toward the United States; third, the progress of American immigration and the reception of American settlers; fourth, the influence of European nations in the affairs of the province.

Omitting his references to the last subject, for the present, we find that on the remaining questions Larkin's communications to the state department gave full and important information. Especially did he emphasize the friendly feeling existing toward the

<sup>73</sup>Lancey, *Cruise of the Dale*, 41; Swasey, *Statement* (MS., Bancroft Collection); Bancroft, XXI, 614.

<sup>74</sup>The rumors of this expedition filled California for many months, the force being reported as numbering from 500 to 18,000. Larkin to New York *Sun*, Sept. 30, 1845. Larkin MSS., III, No. 305; Pini to Larkin (from Mazatlan) July 3. *Ibid.*, No. 211; McKinley to Larkin, July 12. *Ibid.*, No. 218; Stearns to Larkin, June 19. *Ibid.*, No. 196. See also Bancroft, XXII, 33.

<sup>75</sup>See also Parrott to Buchanan, Oct. 11, 1845. MS., State Department. L. W. Hastings had likewise called upon the president and acquainted him with the conditions in California, when in Washington. Hastings to Larkin, Larkin MSS., III, No. 13.

American residents and the lack of attachment to Mexico. The military strength of the province he placed at two hundred and eighty Mexican troops and a smaller number of Californians, with a militia theoretically numbering one thousand, but practically not amounting to one-tenth of that force. The effectiveness of even this small army was decreased by half, he added, as part of it was stationed at San Francisco, in the northern part of the state, and part at San Diego, in the southern. Monterey had no cannon; and, to complete the demoralization, the Californians feared the Mexican troops more than those of a foreign nation, and would gladly welcome the return of an American squadron such as Jones had brought.<sup>76</sup>

The revolt against Micheltorena was made the subject of considerable comment, Larkin mentioning as an aside that within twelve years four revolutions had occurred, all of which had been won by the Californians; and that five of the six Mexican generals, arriving during that time, had been sent back, while the remaining one had died. In conclusion he left the impression that the movement had resulted in the independence of the country, *de facto*, if not *de jure*.<sup>77</sup>

The effect of this early information is seen in the despatches sent to Commodore Sloat by the secretary of the navy, when, in the summer of 1845, war between this country and Mexico seemed imminent. "The Mexican ports on the Pacific," wrote George Bancroft in these confidential instructions,

are said to be open and defenceless. If you ascertain with certainty that Mexico has declared war against the United States, you will at once possess yourself of the harbor of San Francisco and blockade or occupy such other ports as your force may permit. . . . You will be careful to preserve, if possible, the most friendly relations with the inhabitants, and, where you can do so, you will encourage them to adopt a course of neutrality.<sup>78</sup>

Two later despatches from Larkin, received in the fall of that

<sup>76</sup>Larkin to Calhoun, Aug. 18, 1844. Larkin *Official Correspondence*, Pt. II, No. 9. Same to same, Sept. 16. *Ibid.*, No. 10.

<sup>77</sup>Larkin to Calhoun, March 22, 1845. *Official Correspondence*, Pt. II, No. 19.

<sup>78</sup>*H. Ex. Docs.*, 29 Cong., 2 sess., No. 19, page 75. These are also printed in whole or in part in most of the secondary works on the period.

year,<sup>79</sup> simply reiterated the opinions he had expressed in his former communication, laying emphasis in addition upon the designs of France and England on the province, a matter, as we shall see, that caused the administration no small anxiety.

*Larkin's instructions.*—At this time Polk was making arrangements to send Slidell upon the mission already mentioned. On October 17, while the question of the American minister's reception was so much in doubt as to delay his departure, Buchanan addressed a long, confidential letter to the consul, who, from Monterey, had furnished the government with so much of its valuable information. In this letter to Larkin, the internal policy the administration was determined to pursue regarding California was clearly outlined; and, by the appointment of Larkin as confidential agent to carry out the terms, definitely set in motion.

So much has been written regarding this despatch, since Bancroft first brought it to light, and it has been printed, either wholly or in part, so frequently that, important as it is, a mere summary of its contents will be sufficient here.<sup>80</sup> Aside from the notification it carried to Larkin of his appointment as confidential agent, it instructed him to guard against the encroachments and influence of foreign nations in California; to cultivate friendly relations with the inhabitants in every way possible on behalf of this government, and assure them that, if they declared their independence, the United States stood ready to receive them under her protection, whenever this could be done "without affording Mexico just cause of complaint"; and finally, to forward frequent communications to the department regarding the internal conditions of the province (with a list of its leading citizens and officials), its trade and commercial affairs, and the amount and character of the American immigration.

Three copies of this despatch left Washington. One went to Slidell to aid him in his negotiations with Mexico;<sup>81</sup> one was sent

<sup>79</sup>Larkin to Secretary of State, June 5, 1845. MS., State Department; also Larkin *Official Correspondence*, Pt. II, No. 22. Same to same, July 10. MS. State Department; *Official Correspondence*, Pt. II, No. 25.

<sup>80</sup>Bancroft, XXI, 596-597; *Century Magazine*, XIX, 928-929. For the complete despatch see Buchanan, *Works*, VI, 275-278; Rayner Wickersham Kelsey, *The United States Consulate in California*. Publications of the Academy of Pacific Coast History, Vol. I, No. 5, June, 1910, pp. 100-103.

<sup>81</sup>Buchanan, *Works*, VI, 304; Kelsey, 58 n.

by way of Cape Horn and Honolulu on the U. S. S. *Congress*; and the third was entrusted to Lieutenant Archibald H. Gillespie of the marine corps. Going overland through Mexico, Gillespie was forced to destroy the written document in his possession, but before doing so memorized its contents.

Gillespie, however, was much more than a bearer of despatches. To him, as to Larkin, Polk had entrusted the carrying out of his policy in California, and an effort was made to keep his identity a secret. So, travelling as an invalid merchant seeking health, he reached Monterey on April 17, 1846,<sup>82</sup> delivering to Larkin the news of his appointment and writing out from memory the instructions Buchanan had drawn up six months before.<sup>83</sup>

*Bear Flag Revolt.*—For the most part, the actual proceedings of Larkin and Gillespie in California after this time lie beyond the scope of the present narrative. In connection with the Bear Flag Revolt, and Frémont's participation therein, however, it will be necessary to go into some detail to determine whether or not it was a part of the president's policy to put such a movement into operation. To understand clearly the situation, we must note again that California's separation from Mexico could be achieved in two ways—by a revolt of the native Californians, aided by American residents; or by an uprising of the American residents against the native Californians. This condition was distinctly different, as will be readily seen, from that which had existed in Texas when Houston led the settlers there in the struggle for independence.

We have mentioned that Gillespie and Larkin were to serve as Polk's agents in California. The same mission was also entrusted to John C. Frémont, whose first arrival in California has been spoken of, and who had returned on his third exploring tour at the head of sixty-five men, reaching the province early in December, 1845.<sup>84</sup> It is not our purpose to follow the story of his difficulties with the California authorities (after they had given him

<sup>82</sup>Bancroft; XXII; 26-27; Kelsey, 64.

<sup>83</sup>*Ibid.*, also Larkin MSS., III, No. 337.

<sup>84</sup>Bancroft, XXI, 581-585. It is not considered necessary to go into detail regarding the division of the party. Frémont spent from Jan. 27 to Feb. 9 at Monterey, upon Larkin's invitation, buying supplies and discussing the political affairs of the country with the American consul. Kelsey, 52.

permission to winter in the territory under their jurisdiction) and the affair at Hawk's Peak.<sup>85</sup>

It is worth while, however, to add a suggestion to account for the sudden change of front on the part of Prefect Manuel Castro and his peremptory order of March 5 that the American commander quit the country. The reasons for this have been variously given as the receipt of orders from Mexico (none of which Castro would have obeyed unless he pleased);<sup>86</sup> the violation of a tacit agreement by Frémont to remain at some distance from the California settlements;<sup>87</sup> and the mere desire of the prefect to send a report of his zeal to Mexico, without having any hostile intentions whatever toward the strangers.<sup>88</sup> There seems to be sufficient ground, however, for adding as a fourth explanation, the influence of the British vice-consul, Alexander Forbes, who protested formally in the name of his government against the presence of Frémont and his followers in the department.<sup>89</sup> Castro, not only willing to make a show of pleasing Forbes, but fearing the displeasure of the Mexican government if he paid no heed to this remonstrance, had nothing else to do than bid the intruder be gone.

It was not long after this that Gillespie reached Monterey. In addition to the instructions for Larkin, he carried a note of introduction from Buchanan to Frémont and a package of letters to the same individual from Senator Benton, Frémont's father-in-law.<sup>90</sup> Without lingering long at Monterey, Gillespie hastened

<sup>85</sup>For the permission granted by the California authorities, see Larkin to Manuel Castro (Larkin *Official Correspondence*, Pt. II, No. 76); Gov. Pio Pico to Castro, Feb. 18, 1846. Castro, *Documentos*, II, No. 23, copy. For the Hawk's Peak affair see Bancroft, XXII, 5-21, and citations; Kelsey, 98-99.

<sup>86</sup>This was the reason assigned officially but it was recognized as only a blind. Larkin to Commander of any American ship at Mazatlan, March 9, 1846. *Official Correspondence*, Pt. II, No. 38; same to Secretary of State (*Ibid.*) Frémont, *Memoirs*, I, 461.

<sup>87</sup>Bancroft, XXI, 596-597.

<sup>88</sup>Larkin to Secretary of State, April 18. *Official Correspondence*, Pt. II, No. 41.

<sup>89</sup>Forbes to Oliveria, Jan. 28, 1846, in Ephraim Douglas Adams, *British interests and activities in Texas, 1838-46* [Addendum, *English interests in the annexation of California*]. (Baltimore. The Johns Hopkins Press. 1910). p. 251. See also Guerrero to Castro (from San Francisco), Jan. 24, 1846. Castro, *Documentos*.

<sup>90</sup>Bancroft, XXII, 86, citations from the subsequent testimony of Gil-

on to Yerba Buena in pursuit of Frémont, who, by this time, was well on his way to Oregon. At Yerba Buena, Gillespie spent some days with the American vice-consul, W. A. Leidesdorff, and then continued his journey, finally overtaking the explorer in the heart of the Oregon woods.

What passed between Gillespie and Frémont it would be interesting to know. No written instructions were sent to the latter by Buchanan, and even those given to Gillespie are not on file. Yet, both from the testimony of Frémont and Gillespie, and the nature of the case, these could not have differed in substance from those received by Larkin.<sup>91</sup> Gillespie, however, believed in active measures and was well aware of the probable outbreak of a war with Mexico.<sup>92</sup> In addition Frémont had the letters of Benton, which, under guise of family matters, "contained certain passages enigmatical and obscure,"<sup>93</sup> bearing upon the subject of California's destiny. How largely responsible these were for the subsequent course of Frémont, will probably never be known.

He and Gillespie, returning at once to California, found the settlers on the Sacramento in a fit mood to revolt against the Californians. By encouraging these, if not actually becoming the leaders of the movement, they gave to it the aspect of having been begun with the sanction of the United States government; when, in reality, it was exactly contrary to the policy Polk had endeavored to carry into execution; and, furthermore, distinctly at variance with the course pursued by Larkin, the third of the administration's agents.

The consul, it is true, expected Frémont's arrival to result in important changes in the destiny of California.<sup>94</sup> And Gillespie had written him from San Francisco, on his way to find Frémont,

Gillespie and Frémont. Gillespie had also held several private interviews with Polk before leaving Washington. Polk, *Diary*, I, 84-85.

<sup>91</sup>Bancroft, XXII, 86.

<sup>92</sup>He had been detained some months in Mexico and hence knew of Slidell's probable rejection. Reeves, *American Diplomacy under Tyler and Polk*, 282.

<sup>93</sup>Bancroft, XXII, 86 n., quotation from Frémont's later testimony.

<sup>94</sup>Larkin to Stearns, March 19, 1846. *Official Correspondence*, Pt. II, No. 90. Marsh to Larkin, Feb. 15—"The distant rumors of mighty events have made me leave the retirement of my farm . . . and I have come to this place on a visit to Capt. Frémont. It appears that the present year will bring great changes on the face of California." Larkin, MSS., IV, No. 39.

that the Americans of that region had voluntarily expressed themselves in favor of a change, while one of them was already circulating the constitution of Texas.<sup>95</sup> But he had added that the Californians themselves were dissatisfied, and inferred that they were ready also to join the movement.

It needs scarcely be said that this latter idea constituted the sum and substance of Larkin's plan.<sup>96</sup> Moreover, he was in a fair way of bringing about a unification of the Californians with the American cause when the settlers' revolt completely upset his calculations, caused the California leaders to forget their mutual jealousies,<sup>97</sup> and joined them in common cause against the United States.

Larkin's activities, between his appointment as confidential agent and the outbreak of the Bear Flag revolution, had taken various forms. To several of the leading Americans, who had become Mexican citizens, he wrote a circular letter, embodying much of the news contained in the despatch from Buchanan, and urging them to aid in winning over the Californians.<sup>98</sup> One of these, Abel Stearns, he appointed his confidential assistant in the south.<sup>99</sup> By personal interviews with the most influential men of the north, with all of whom he was well acquainted, and by promises of future reward to those who advanced the interests of the United States, he sought to bring his plan into favor with the native leaders.<sup>100</sup> And, finally, he endeavored to influence the

<sup>95</sup>Gillespie to Larkin, April 25, 1846. *Ibid.*, No. 144.

<sup>96</sup>Larkin to Secretary of State, April 2, 1846—"The undersigned believes that a flag if respectfully planted will receive the good will of much of the wealth and respectability of the country." *Official Correspondence*, Pt. II, No. 40. See also Leidesdorf to Larkin, May 7. Larkin MSS., IV, No. 111.

<sup>97</sup>A civil war between Castro and other northern leaders on one side, and Governor Pio Pico on the other was about to break out. Bancroft, XXII, 30-53.

<sup>98</sup>Larkin to Abel Stearns, Los Angeles; John Warner, San Diego, and Jacob Leese, Sonoma, April 17. *Official Correspondence*, Pt. II, No. 100.

<sup>99</sup>Kelsey, 67-68.

<sup>100</sup>Larkin to Secretary of State, July 20, 1846, "Address to Californians." *Official Correspondence*, Pt. II, No. 13. Larkin also advised many of the Californians to take up land before the change came. A copy of a grant of eleven square leagues along the San Joaquin is among the Larkin papers of this period. MSS., IV, No. 41.

action of various *juntas* by persuading those known to be friendly to the American interests to attend as delegates.<sup>101</sup>

As has been said, these efforts gave promise of succeeding. Several of the principal Californians had come over definitely to Larkin's side.<sup>102</sup> And General Castro, in the presence of other influential men of the department, had drawn up "a short history of his plans for declaring California independent in 1847-8, as soon as a sufficient number of foreigners should arrive."<sup>103</sup> From the southern portion of the province equally encouraging reports were received;<sup>104</sup> and it is no wonder that the word of the taking of Sonora and the imprisonment of several of the California leaders, among whom was M. G. Vallejo, the most powerful man of the province, and a chief supporter of American annexation, caused Larkin unwelcome perplexity and surprise.<sup>105</sup>

"Why this affair has happened—how or by who[m] I cannot imagine—I am not sure it is true,"<sup>106</sup> he wrote when the report first reached him. Frémont he considered "culpable for moving in the affair of the Bear Party, and perhaps putting the party in motion." "The Bear Party have broke all friendship and good feeling in Cala. towards our government,"<sup>107</sup> was his final judgment on the matter. And with this judgment, it would seem, history must agree.

Why Gillespie and Frémont pursued the course they did will never be known with certainty. Nor is it our purpose to examine into the possible causes they later claimed in justification of their

<sup>101</sup>Larkin to Lease, May 21, 1846. Larkin MSS., IV, No. 102. Same to Stearns, May 21. *Ibid.*, No. 101. Same to Secretary of State, June 1. *Official Correspondence*, Pt. II, No. 44.

<sup>102</sup>See Larkin to Secretary of State, June 1st, *Official Correspondence*, Pt. II, No. 44.

<sup>103</sup>Larkin to Secretary of State, July 20, 1846. *Official Correspondence*, Pt. II, No. 54.

<sup>104</sup>Stearns to Larkin, June 12, 1846. Larkin MSS., IV, No. 151. Warner to Larkin, June 11. *Ibid.*, 156.

<sup>105</sup>For Vallejo's friendliness to the United States see Bancroft, XXII, 758.

<sup>106</sup>Larkin to Mott, Talbot & Co., Mazatlan, June 18. Larkin MSS., IV, No. 165. Neither Leidesdorf nor Sutter had any knowledge of the plans or purposes of the revolt. Leidesdorf to Larkin, June 18, *Ibid.*, No. 159; Sutter to Larkin. *Ibid.*, No. 160.

<sup>107</sup>Larkin to Buchanan, June 30, 1847. *Official Correspondence*, Pt. II, 67. See also Bancroft, XXII, 98, and citations.

act.<sup>108</sup> Whether, as some insist, it was through a desire to assume the rôle in California that Houston filled in Texas,<sup>109</sup> cannot be stated with positiveness; yet this seems the most reasonable explanation. The influence of Benton in the proceedings may also have played an important part. Three years after the event, a former member of Polk's cabinet wrote, "The utter prostration of Van Buren and of course his [Benton's] own hopes has made him frantic—rumor speaks of his emigration to California and it may be to carry out some such scheme as many attributed to him when Frémont was sent out with his proclamation."<sup>110</sup>

But whatever the motive—and it may have been entirely patriotic—Frémont and Gillespie certainly had no official sanction for what they did. Bancroft, Royce, and others, have shown how utterly inconsistent it would have been had Polk instructed Larkin to do all in his power to conciliate the native inhabitants and assure them of the friendship of the United States; and at the same time advised the two remaining agents to stir up a revolution against those very inhabitants. The whole policy of Polk with regard to California, on the contrary, was one of pacification. Even after war had been declared against Mexico, those who had the conquest of that province in charge were ordered to follow out this idea, and "to endeavor to establish the supremacy of the American flag without any strife with the people of California."<sup>111</sup>

Polk's own statement, moreover, clears up any remaining doubt. "A false statement is being attempted by the opposition," reads his diary for March 21, 1848, "to be made to the effect that this letter to Mr. Larkin contained instructions to produce a revolution in California before Mexico commenced the War against the

<sup>108</sup>Benton, *Thirty years' view*, II, 688-689; John Bigelow, *Memoirs of the Life and Public Service of John Charles Frémont* (New York. Derby & Jackson, 1856), 141-145.

<sup>109</sup>This is the view taken by Bancroft. The same idea was expressed very positively to me by Dr. Willey, founder of the University of California, in an interview Nov. 29, 1911. Dr. Willey was personally acquainted both with Larkin and Frémont. See, also, the discussion in Rives, *The United States and Mexico*, 164-194.

<sup>110</sup>Cave Johnston to Polk, March 20. 1849. Polk MSS. Same to same, March 22. *Ibid.*

<sup>111</sup>Bancroft, XXII, 196-197 (citations from U. S. Gov. Docs., containing instructions to Sloat, Kearney, etc.).

U. S., and that Col. Frémont had the authority to make the revolution. The publication of the letter will prove the falsehood of such an inference."<sup>112</sup>

In summing up Polk's policy with regard to California, we may therefore say that it involved no scheme of rebellion on the part of the American settlers against the provincial authorities. It did, however, include a most earnest attempt at purchase; and, in addition, a systematic effort to win over the Californians to a desire for the protection of the United States, and tacit encouragement to separate from Mexico. Whether or not Polk actually brought on the Mexican War as a more certain method of securing the coveted territory (or as Winthrop expressed it, "had there been no California there would have been no Mexican War") we are not now prepared to say. Two remaining topics, however, must receive some attention before we bring this discussion to a close. The one concerns the effect of the rumored attempts of European nations to secure a foothold in California, and the other the part played by the slave holding south in its acquisition.

<sup>112</sup>Polk, *Diary*, III, entry for March 21.

THE FIRST SESSION OF THE SECESSION CONVENTION  
OF TEXAS\*

ANNA IRENE SANDBO

## IV. TEXAS ON THE EVE OF THE CIVIL WAR

That the tenor of events in Texas was rapidly becoming threatening to the continued peace of the state is shown by the contents of the Galveston platform. Let us stop for a moment and consider its condition, apart from politics, on the eve of the great struggle between unionism and disunionism within its borders.

During the fifteen years that it had been in the Union, Texas had developed by leaps and bounds. The first census, taken after annexation, in 1847, showed a population, including slaves, of one hundred thirty-five thousand, in round numbers. Three years later, there were two hundred twelve thousand five hundred ninety-two; and in 1860, six hundred four thousand two hundred and fifteen. With this great increase in population had come economic prosperity; the people were prosperous and contented, and, with the exception of occasional Indian raids and troubles with Mexicans, lived in comparative peace. Frontier conditions prevailed, it is true, with all their restlessness and freedom; and the status of national politics increased this restlessness. Turbulence and violence were greater in 1860 than at any time during the last few preceding years. During this eventful year the newspapers were full of stories of crimes committed within its borders. *The True Issue* deplored the fact that crime was on the increase and that the criminal laws were not enforced. One editorial stated that "high-handed criminality stalks abroad through the land, and bloody deeds of violence and of vengeance are transpiring constantly to mar the peace and harmony of society. . . . Human life hangs on the merest thread. No man's life is safe."<sup>1</sup> William North, residing in Galveston at this time, says: "Such are the issues of life and death in Texas that a man is a little

\*For the earlier portion of this paper, see THE QUARTERLY, XVIII, 41-73.

<sup>1</sup>*True Issue*, February 3, 1860.

nearer death there all the while than in any other country we know of."<sup>2</sup> The atmosphere was filled with excitement and alarm. Reports were circulated, often unfounded, of negro uprisings and wholesale poisonings. Incendiary fires occurred in many parts of the state. A three hundred thousand dollar fire of incendiary origin occurred at Dallas, followed by many others in the surrounding country. The arrest of suspects led to the detection of a plot to perpetrate such acts on a still larger scale. According to a correspondent whose own printing press had been destroyed by the Dallas fire the plot was conceived by certain abolition preachers who had been expelled from that part of the country the year before. It was charged that the plan was to demoralize by fire and assassination the whole of northern Texas, and then, when the country should have been reduced to a helpless condition, a general revolt of the slaves, aided by white men from the North, was to take place on election day in August. Dallas, it seems, was fired for the purpose of destroying the arms and supplies stored there for a certain artillery company. Disastrous fires occurred almost simultaneously with the Dallas fire at Denton, Pilot Point, Belknap, Gainesville, Black Jack Grove, Waxahachie, Kaufman, and Navarro.<sup>3</sup> Arms and quantities of poison were discovered in the possession of negroes, and some negroes were hanged on Red Oak Creek, near Waxahachie. Henderson had a two hundred and eleven thousand dollar fire, considered incendiary, which caused great excitement in the community and led to the hanging of several negroes. A plot was discovered at Lancaster in which the purpose of the abolitionists seemed to be to burn the town and poison the inhabitants.<sup>4</sup>

How much truth and how much mere groundless rumor caused by the excited state of the public mind there may have been in these reports and accusations will of course never be known. Governor Houston and his friends accused the Democratic press of circulating such rumors for political purposes, and in reply the *State Gazette* admitted that rumor had probably coined some statements and exaggerated some facts, but that this was merely strong evi-

<sup>2</sup>North, *Five Years in Texas*, 72.

<sup>3</sup>Charles R. Prior in *State Gazette*, July 28, 1860; *True Issue*, July 26, 1860.

<sup>4</sup>*State Gazette*, August 4, 1860.

dence that much had happened to excite the apprehensions and call for the vigilance of the people.<sup>6</sup> Whether founded on fact or not, these rumors were quite generally believed, and caused unrest and intense excitement throughout the state; they also engendered a burning hatred of Northern abolitionists, and gave rise to the formation of vigilance committees for protection. Nearly every paper warned the people against the abolition enemy, advised the organization of vigilance committees, and urged the speedy execution of all incendiaries who might be detected. *The Centerville Times*, a Sam Houston paper, says: "To show how promptly the people of Texas act in defense of their rights, we may state that since the abolition plot has been discovered, there have been ten white men hung, several whipped, and many requested to make themselves invisible in short order."<sup>6</sup> *The Houston Telegraph* thought it inconceivable that the emissaries of fanaticism could come among the Texans and carry out such plots. It was high time for all true men to come together and in the name of the people put to death or drive out every man who was not a friend of the institution of slavery.<sup>7</sup>

The vigilance committees formed in many parts of the state exercised extraordinary powers. The committee at Dallas, immediately after the great fire, hanged three negroes in the presence of a large assemblage of people. The committee of Grimes county was formed for the purpose of keeping the negroes in subordination and effectively ridding the country of all white persons attempting to influence the negroes. The one formed in Austin County had full authority to arrest any suspicious character "and hang him if necessary." Three men were hanged at one time by the Fort Worth committee for tampering with slaves. Several ministers of the gospel were hanged, either for their abolition sentiments or for tampering with slaves. One paper presents to its readers the interesting caption "Another preacher hung," and describes the execution by the Fort Worth committee of a preacher who had been returned to Texas from Arkansas at the request of the committee. His offense seemed to be that he had "prowled about the country" during the summer. His two sons had lost

<sup>6</sup>*State Gazette*, August 25, 1860.

<sup>6</sup>Quoted by *State Gazette*, September 15, 1860.

<sup>7</sup>Quoted by *State Gazette*, August 4, 1860.

their lives a little earlier for being abolitionists.<sup>8</sup> There can be no doubt but that these committees perpetrated many wicked deeds. A strong Sam Houston paper, in deploring that such was the fact, concluded, "Let us be understood at once. We are for the Constitution, the Union, and the enforcement of the laws; and we are against all Higher-lawism, mobbery, and vigilance committee usurpations."<sup>9</sup> Military companies were organized, in some cases for the express purpose of co-operating with the vigilance committees, but in most cases for general protection against the negroes and the abolition enemies both in the state and outside of it. The state militia was greatly encouraged and all classes of citizens joined.

In the meantime the Democratic press seemed to have ever in view one thing, the forming of public opinion in favor of secession. Although it stoutly declared before the presidential election that it did not advocate secession, it prepared the way for a decision on that subject by its editorial discussions and by the publication of timely articles and extracts from speeches of prominent men in Congress either admitting the right of secession or favoring it.<sup>10</sup> The resources of Texas were shown to be such as to make Texas economically and industrially independent of the Northern states. An attempt was made to show that the South could make herself independent of northern manufactures by establishing factories of her own. It was argued that the American-born, tractable negroes could be used as factory operatives, while the agricultural labor could be performed by "emigrants from the continent of Africa."<sup>11</sup>

The Union press put forth its efforts to counteract this influence and to warn the people against the designs of the ultra-radicals. Many articles against nullification, secession, and disunion were contributed. One correspondent of *The Southern Intelligencer* who signs himself "a backwoodsman" likens the Constitution to a kettle, at all times filled with nutritious food, around which Uncle Sam's children, North and South, have been sitting

<sup>8</sup>*True Issue*, October 11, 1860.

<sup>9</sup>*Southern Intelligencer*, September 5, 1860.

<sup>10</sup>Some of the men quoted were Senator Bell of Tennessee, Sam Houston, Millard Fillmore, and Herschel V. Johnson, nominee for vice-president on the Douglas ticket.

<sup>11</sup>Wm. H. Parsons in articles published in *State Gazette*, April 14, 1860.

and feasting until they have become fat, pampered and spoiled. Then in an evil and mischievous hour the children of the North attempt to break the slavery leg of this valuable kettle. The result is contention, bloodshed, and ruin to all.<sup>12</sup> An editorial in the *True Issue* entitled "The Public Pulse," published a few weeks earlier, seems to be an accurate description of the uncertain state of mind of the majority of the people: At breakfast a man says, "I am for secession emphatically; I am a disunionist per se"; at noon, "I would willingly go for secession, unless the Black Republicans recede from their position, which I have some hopes of their doing"; at supper, "The condition of the country is truly alarming, and I candidly confess my inability to fathom events that are to come"; at night, "Speak of that matter no more, for d—n me if I know where we are going, what is going to be done, what ought to be done, or what I am in favor of doing." This editorial declares that thousands of men are of the same sentiment; that the people are justly indignant at the intolerance of the North and are willing, if necessary, to imperil their lives for their beloved Texas. "But when they come to weigh the value of this Union, consecrated by the blood of a hundred battles, and made holy by ten thousand glorious recollections, the true patriot pauses in bewilderment at the vastness of the crisis he is called upon to meet, and daring though his heart may be, and firm his nerve, he is overpowered at the contemplation of the bloody crest of Revolution."<sup>13</sup>

The political factions were not idle. Houston took a positive stand in opposition to secession. Secession to him meant the suicide of Texas, the course by which it would lose all its rights. He dinned into the ears of the people his belief that secession would prove a stupendous failure, and that they would lose by it that very state sovereignty they were trying to save. He and his friends headed the Unionist party and supported the Bell-Everett ticket. Arrayed against them were the well organized Democratic party and the majority of the newspapers in the state, supporting the Breckenridge and Lane ticket. The city of Austin became the headquarters for both parties. Houston and his friends did their utmost to check the efforts for secession made by the states' rights

<sup>12</sup>*Southern Intelligencer*, January 30, 1861.

<sup>13</sup>*True Issue*, December 6, 1860.

men, many of whom were officers in the state government. They repudiated the Galveston platform as a gross misrepresentation of the wishes of the people, which might lead other states to believe that Texas was for secession.<sup>14</sup> In reply the Democratic leaders maintained that none of their candidates had any disunion proclivities, and that the Galveston platform only upheld those political tenets which were conducive to the perpetuity of the Union, to the maintenance of states' rights and to the protection of every kind of property under the Constitution. They accused the Unionists of being in favor of unconditional submission to the principles of the Black Republican party, in the hope that if Lincoln should be elected some of the Federal offices would fall to their share.<sup>15</sup> Houston especially was widely accused of sacrificing the interest of the state to further his own political ambition.<sup>16</sup>

In the meantime the National Democratic Convention had met at Charleston April 24, 1860, and had disagreed upon the national platform. The Southern delegates had withdrawn, but had met again June 23, 1860, at Baltimore and nominated John C. Breckinridge, of Kentucky, for president and Joseph Lane, of Oregon, for vice-president. These men represented the radical element of the Democratic party and were not satisfactory to a large portion of the country, even in the South. A constitutional Union party was organized. This party met at Baltimore May 9, 1860, and all the states except Oregon and South Carolina were represented. John Bell, of Tennessee, was nominated for president, and Edward Everett, of Massachusetts, for vice-president. The aim of this party was to preserve the Union at all hazards. Another faction of the Democratic party nominated Douglas for the presidency, while the regular Republican party nominated Lincoln.

During the summer, barbecues and mass meetings were held in all parts of the state by both parties. Many resolutions relating to the situation were adopted. Some of these threatened secession in the event of Lincoln's election. In Calhoun County a resolution was adopted to the effect that it was the duty of the Southern states to resist, even at the point of the bayonet, the inauguration

<sup>14</sup>*True Issue*, June 8, 1860.

<sup>15</sup>*State Gazette*, September 8, 1860.

<sup>16</sup>*State Gazette*, January 12, 1861.

of a sectional, Black Republican president.<sup>17</sup> A non-partisan mass meeting in De Witt County declared that, although sincerely attached to the present Union, the people would never submit to the domination of Black Republicanism,—that if Lincoln were elected, the only thing for the South to do would be to dissolve all political connection with the people of the North.<sup>18</sup> Resolutions adopted at the Union meetings denounced secession and accused the Democrats of favoring it.<sup>19</sup>

The leaders of the Unionist party were placed on the defensive in this campaign. As the time for the election drew near, Lincoln's victory appeared more and more probable. The question that was being asked throughout the state of the presidential electors was: "Do you consider the election of Lincoln sufficient cause for the dissolution of the Union?"<sup>20</sup> Both the Bell and the Breckenridge electors answered the question in the negative, but there was a general impression, nevertheless, that the election of Lincoln would be considered a sufficient cause for secession. The task of the Union campaign speakers was therefore to defend the policy of the Union and to show the necessity of all Union-loving citizens uniting to defeat the Breckenridge ticket. Judge E. P. Townes of Travis County, at an enthusiastic Union meeting at La Grange, told the people in an able speech that this was the only way to preserve the Union.<sup>21</sup> At a great Union demonstration at Austin, Houston extolled the glories of the common country, counseled submission, and showed how inexpedient it would be for any state to withdraw from the Union, and declared that Lincoln's election would not be sufficient cause for such action. He recommended acquiescence in whatever might be the result of the election, saying that in his opinion the salvation of the state lay in the Union. He then exhorted the lovers of the Union not to desert their posts and leave the government in

<sup>17</sup>*State Gazette*, August 29, 1860.

<sup>18</sup>*Ibid.*

<sup>19</sup>I have found such resolutions adopted at Burnet, Round Rock, Winchester, Crockett, Bastrop, Hempstead, La Grange, Austin, and Cameron. See various numbers of the *True Issue* and *The Southern Intelligencer* published during the summer of 1860. Others would no doubt be discovered if more complete files of newspapers were available for the period.

<sup>20</sup>Newcomb, *Secession Times in Texas*, 6.

<sup>21</sup>*True Issue*, October 25, 1860.

the hands of secessionists. "If Mr. Lincoln," he concluded, "administers the government in accordance with the Constitution, our rights must be respected. If he does not, the Constitution provides a remedy."<sup>22</sup>

In the presidential election Breckenridge received 47,548 votes, and Bell, 15,463. The comparatively few votes cast for Bell in Texas must not be construed to mean that a complete revolution in public sentiment had taken place since the election of Houston the preceding year. Many good Unionists voted for Breckenridge because they felt he had a better chance to win than Bell; and the vast majority of Texans feared the election of Lincoln. The slave owners feared the consequence to their slaves, and most of the people believed the Central government had no right to interfere with what they considered their local affairs. This belief that the North was trying to dictate to the South greatly intensified the existing antagonism toward the Republicans.

In Texas the result of Lincoln's election was a radical change of sentiment. All felt that the North was the transgressor. The South demanded liberty and equality. Only when these were granted could she bury her animosities and, as one newspaper says, "move on to the music of the Union."<sup>23</sup>

While the Unionists still counseled submission to the Union, but resistance to fanaticism and tyranny, the Democrats came out openly for secession. *The Gazette* said it was folly to temporize with imminent danger or to appeal to the magnanimity of a sordid and vindictive foe; nothing could be gained in that way; all association with the Northern enemy should be discontinued and his emissaries hanged; no avowed anti-slavery man should be allowed to remain in Texas.<sup>24</sup> That the power of the Democrats was again in the ascendancy, and that they would control the situation, was shown as early as in the primary election in August. At that time the regular Democrats elected by large majorities their nominees to the State offices over the Unionist nominees.<sup>25</sup> Some of the Sam

<sup>22</sup>Williams, *Sam Houston and the War of Independence in Texas*, 340.

<sup>23</sup>*True Issue*, November 15, 1860.

<sup>24</sup>*State Gazette*, December 1, 1860.

<sup>25</sup>The Democrats elected were: George Flournoy, Attorney General, Cyrus H. Randolph, State Treasurer, Clement R. Johns, Comptroller.

Houston papers, as well as some of the independent newspapers in the state, supported the democratic ticket before Lincoln's election.<sup>26</sup> Radical resolutions in favor of secession were adopted in many parts of the state, and the Governor was urged to convene the legislature. All were anxious for action of some kind in regard to the situation. Karnes County advocated the maintenance of Southern rights within the Union, if possible, or secession if this should prove impossible; declared that the election of Lincoln was a sufficient cause for secession, and recommended the call of a Southern Congress to take into consideration the present state of the Union and of the South. A meeting at Belton also advised concerted action by the Southern states and requested the Governor to convene the legislature, or provide for a convention of the people. Some counties, as for instance, Austin and Caldwell, were ready to co-operate with the rest of the state in any measures necessary for their safety. Other resolutions of a more radical character were adopted at mass meetings in Tarrant, Brazoria, and Lavaca counties. The Tarrant County resolutions earnestly requested the Governor to convene the legislature, but added that, if he should fail or refuse to do so, a state convention should at all events be held. The mass meeting of Brazoria, held November 17, declared for secession; recommended the holding of a convention at Galveston on January 8, for the purpose of determining what course Texas should pursue; and requested the chief justice of Brazoria County to order the election of five delegates to a state convention, the election to take place the first Monday in December, provided the Governor by that time had not issued a call for a special session of the legislature as he was requested to do. Two committees of safety, composed of sixteen members each, were provided to guard the interests of the county; and an organization of minute men was also provided to execute the committee's order.<sup>27</sup> These committees of safety for general protection and the organization of minute men to co-operate with them were authorized in a large number of the counties. The Lavaca County convention on November 21 favored secession, and requested the Governor to convene the legislature or provide for a state convention; it also urged that, if he should fail to do so, the people of the counties

<sup>26</sup>*Red Land Express, Palestine Advocate, Harrison Republican.*

<sup>27</sup>*State Gazette*, December 1, 1860.

should appoint delegates to a state convention.<sup>28</sup> Marion County advised that the legislature convene itself in a non-official capacity, if the Governor declined to call it.

Perhaps the trend of public opinion is even better shown in the *True Issue*, an independent paper. This paper deplored the fact that slavery had always been a source of strife between the two sections and declared that no important question had ever come before the people but that "slavery, like a haunting demon, looms up in the background." The North, in its hostility toward the slave law, in its descent upon Virginia, and in sending its emissaries to Texas to incite the slaves to arson and insurrection, was to blame for the present situation, and what hatred existed in Texas toward the North was due to the action of the abolitionists there. The people of Texas wished only to live in peaceful enjoyment of their constitutional rights.<sup>29</sup>

A few days after the election of Lincoln, Houston received a letter signed by sixty-five citizens of Huntsville asking his advice as to what course ought to be pursued. They deprecated hasty action, but feared that delay in expressing opinions of the situation might prove harmful. Houston's answer was calm and dignified but firm. He counseled patience, admitted his distrust of Lincoln and the North, but affirmed his abiding faith in the Constitution and the Union. He closed with these words: "So long as the Constitution is maintained by Federal authority and Texas is not made the victim of Federal wrong, I am for the Union as it is."<sup>30</sup>

Houston and the Unionists, realizing that the tide of disunion sentiment was rising, busied themselves trying to stem the tide by recommending caution, prudence, and calm deliberation in dealing with the question. Until the last moment David G. Burnet counseled submission to the election of Lincoln and continuance in the Union. Union meetings were held throughout the state and were well attended. It was the sentiment of these meetings

<sup>28</sup>*Ibid.*, December 15, 1860.

Other counties in which the people advocated secession and requested Houston to convene the legislature were Polk, Dallas, Smith, Coryell, Sabine, Leon, Grimes, and Galveston. *State Gazette, passim*, during November and December, 1860.

<sup>29</sup>*True Issue*, October 18, 1860.

<sup>30</sup>*True Issue*, November 29, 1860.

that the state should maintain its rights in the Union.<sup>31</sup> Colonel Henderson, in addressing a mass meeting at Round Rock, called on all Texans to stand by the American flag, and to claim boldly their rights in the Union under the Constitution.<sup>32</sup> At a great demonstration at Austin on December 23, a pole ninety feet high was erected, and the national flag hoisted while the people sang patriotic songs.<sup>33</sup> Judge J. H. Reagan, then in Congress, writing from Washington, recommended a convention of the Southern states to present to the free states such propositions as would renew the original guarantees of the Constitution in favor of Southern rights in order that the question as to the extent and character of the slave states and the ownership of slave property might be settled forever. On the other hand, Louis T. Wigfall, also in Congress and writing from Washington, advocated immediate withdrawal from the Union, maintaining that Texas could not remain in it with either honor or safety.<sup>34</sup>

In spite of the heavy pressure brought to bear upon Houston to call a special session of the legislature, he refused to issue the call until forced by circumstances. He gave as his reasons for not doing so that the situation did not demand the convening of the legislature, and that the finances of the state were in such a condition that it was necessary to keep all expenses down to a minimum. It also appears that Houston entertained serious doubts as to whether, on account of the recent redistricting act, the same legislature that met in 1860 could again be convened. He believed furthermore, that a legislature elected under the new act would probably come nearer to representing the wishes of the people.<sup>35</sup>

In the meantime, Houston had acted upon the suggestions of some county conventions to make use of the joint resolution of

<sup>31</sup>*Southern Intelligencer*, January 23, 1861.

<sup>32</sup>*Ibid.* The *Southern Intelligencer* does not give Colonel Henderson's initials.

<sup>33</sup>Lossing, *Pictorial History of Civil War*. I, 186.

<sup>34</sup>Lubbock, *Six Decades in Texas*, 303.

<sup>35</sup>The old act passed in 1852 divided the representation in the legislature disproportionately. For instance, Galveston with only eight hundred and seventeen votes had one senator, while Milam and Burleson with nearly two thousand six hundred votes had only one.—*State Gazette*, December 10, 1859.

1858 authorizing the Governor to order an election of seven delegates to a convention of the Southern states, if, in his opinion, the situation should demand it. He sent the resolution, accompanied by a letter to the governors of the other Southern states suggesting the calling of a Southern convention for the purpose of discussing plans for common action. He said that in his opinion the time had come for a calm deliberation of statesmen in a manner permitted under the Constitution. He hoped that such a convention might adopt measures for restoring harmony between the two sections of the country.<sup>36</sup> Houston then issued a proclamation for the election of the Texan delegates on the first Monday in February. For this effort at conciliation Houston was widely denounced as a traitor to the South. Senator Wigfall said that Governor Houston ought to be tarred and feathered and driven from the state. Senator Iverson from Georgia, his old antagonist in the Senate, said, "Some Texas Brutus may arise to rid his country of this old, hoary-headed traitor."<sup>37</sup>

In order to understand all phases of the secession movement in Texas, the existence of a secret order known as the Knights of the Golden Circle must be noticed. It met a hearty welcome in Texas in the summer of 1860, and much has been said about the influence that it exerted over the events that rapidly followed in the state during the winter and spring of 1860 and 1861. It appears that the order was primarily formed for filibustering purposes in order to perpetuate the institution of slavery. John C. Calhoun is variously credited or blamed as the originator of the order.<sup>38</sup> It has also been maintained that the Democratic leaders

<sup>36</sup>*True Issue*, December 6, 1860.

<sup>37</sup>A. M. Williams, *Sam Houston*, 342.

<sup>38</sup>A writer in the *Continental Monthly* for January, 1862, says: "This organization, which was instituted by John C. Calhoun, William C. Porcher, and others, as far back as 1835, had for its sole object the dissolution of the Union and the establishment of a Southern Empire; Empire is the word, not confederacy or Republic:—and it was solely by means of its secret, but powerful machinery, that the Southern States were plunged into revolution, in defiance of the will of a majority of their voting population."

The evidence upon which the above statement is made in regard to Calhoun is not known. *Authentic Exposition of the Knights of the Golden Circle*, 1. In Lossing, *Civil War in America*, I, 187, a footnote reads, "It is authoritatively asserted that it [the order of the Knights of the Golden Circle] was founded by John C. Calhoun and other South Carolina conspirators, in the year 1835." But no authority is given.

after their defeat in 1859, at the hands of Houston and his adherents, regained their power and prestige in the state through the activity and influence of the order.<sup>39</sup> G. W. Bickley, a member of the order, spent the summer and fall of 1860 in Texas establishing lodges throughout the state. Although the headquarters of the order were at San Antonio, it was strongest in the eastern part of the state, where the disunion spirit also had its greatest strength.<sup>40</sup> But whether this strength of the disunion movement was because of the influence exercised by the order is doubtful. The fact, no doubt, that a larger proportion in that section had emigrated from the slave-holding states, and the fact that they had been troubled more by incoming abolitionists may sufficiently account for this condition. San Antonio and the surrounding country were about evenly divided for and against secession in 1861, which at least shows that the influence of the order was not controlling in that part of the country. According to the *True Issue*, the friends of Breckenridge, Bell, and Douglas associated together in the order in perfect harmony, and declared that this was conclusive proof that the order was not organized for the mere purpose of promoting disunion, for, says the editor, "certainly members of the Union party would not be caught in a disunion organization."<sup>41</sup> Yet in a pamphlet circulated by Bickley before the Austin meeting in October, it is said that "The K. G. C. constitutes a powerful military organization, as a nucleus around which to hang such political considerations as will, if well managed, lead to the disenfranchisement of the cotton states from the oppressive majority of manufacturing and commercial interests of the North."<sup>42</sup>

After hearing Bickley's speech at Austin on the character and aim of the order, Judge Paschal came to the conclusion that the order was a secret police; that it was accustomed to denounce individuals; that it worked by secret means, as dangerous to the innocent as to the guilty; that it marked baggage; that it undertook to pass upon the soundness of Southern citizens, having a common interest in the subject of slavery; and concluded, "It arrays itself

<sup>39</sup>Bancroft, *North Mexican States and Texas*. II., 434.

<sup>40</sup>Roberts in *A Comprehensive History of Texas*, II, 86.

<sup>41</sup>*True Issue*, November 1, 1860.

<sup>42</sup>Quoted from pamphlet republished in *State Gazette*, November 1, 1860.

with the misguided partisans who threaten to overthrow the government, should they not elect their candidate, and it proposes by secret means to proscribe all who will not fall into their revolutionary purposes. It is, then, a secret political agency and one which established a police above the laws, which are sufficient for every emergency."<sup>43</sup> According to R. H. Williams, who was a member of the order, the organization was ostensibly formed to protect Southern rights, but its real object was to bring about secession and it did all in its power to further that movement.<sup>44</sup> Newcomb, the Union editor of the *Alamo Express*, was most severe in his denunciation of the order. He said that it was a powerful instrument in the hands of the leaders of the secession movement; that the first secession convention was affected through this organization; that the first armed rebels under Ben McCullough were members of the order; that it furnished the vigilance hanging committees, and that to it belonged the responsibility for the murders and arsons committed during the summer of 1860.<sup>45</sup>

To what extent, however, the order influenced the secession convention, directly or indirectly, must remain a matter of surmise. The most that one can safely say is that probably the order encouraged secession and the extension of slavery, and that it was a factor of some importance in forming and uniting public opinion at this time.

The people of Texas had always distinguished between abolitionists and Unionists. During the whole period of the controversy over slavery there had been men who strongly upheld the Constitution and the Union. As the agitation developed and disunion became a probability, the newspapers representing the Union element became known as anti-secession and anti-democratic papers. But no real abolitionists, men or newspapers, had ever met with much favor in Texas. The *San Antonio Zeitung* seems to have been the only such newspaper that ever attempted to exist and publish abolition views in the state. It was published only one year, partly in 1855 and partly in 1856.

In regard to the *Zeitung*, the *Goliad True American* said that

<sup>43</sup>Quoted from the *Southern Intelligencer* by the *True Issue*, November 1, 1860.

<sup>44</sup>R. H. Williams, *With the Border Ruffians*, 159.

<sup>45</sup>Newcomb, *Secession Times in Texas*, 6.

it was very sorry a free-soil paper could find a resting place in Texas; that Southern men might be forced to discuss their rights to property in England, but not in Texas. This paper concludes as follows: "If the editor of the *Zeitung* is a free-soiler or abolitionist, we would give him the choice of two alternatives—either to desist from building up a doctrine which is to rob us of our property or to take up his march, and that quickly, out of the State of Texas."<sup>46</sup> The *Galveston News* in June of the same year said, "*The San Antonio Zeitung* has made itself notorious of late by attacking slavery. Several of the Texas papers have rapped it pretty hard for its temerity in attacking the institutions of the state, and some of them went so far as to suggest that a coat of tar and feathers would be a fit reward for the editor."<sup>47</sup>

In 1856 there were about thirty thousand Germans in Texas. The majority of these were settled in and near San Antonio, New Braunfels, and Fredericksburg. Being foreigners, and very few of them owning any slaves, they fell under the suspicion of the slave owners. The newspapers of the state became unfriendly toward them, and many false stories were circulated about them.

The situation of the Germans, due to their zealous editor, became so trying that they were forced to repudiate him. The German population around New Braunfels met in a mass meeting in June, 1855, and passed resolutions, the purport of which was that, as they had been attacked by the newspapers of the state, they wished to say that they acknowledged their allegiance to the Constitution and laws of the state; that they were not responsible for the sentiments expressed in the *San Antonio Zeitung*, and that it was both unjust and untrue that they had feelings inimical to Americans.<sup>48</sup> In December of the same year, a German, Mr. Waelder, the representative in the legislature from several western counties, made a statement in the House to the effect that the charges made against the Germans were false. He further asserted that, if the Germans had not been sound on the question of slavery, he would not be occupying a seat in the House, for his own sentiments on the question were fully understood by his constituents when they elected him, and he most assuredly had never harbored

<sup>46</sup>*Galveston News*, May 19, 1855.

<sup>47</sup>*Ibid.*, June 12, 1855.

<sup>48</sup>*Ibid.*, July 17, 1855.

any thoughts "akin to abolitionism, free-soilism, or any other 'ism'"; that the Germans, as a body, were as loyal to the South as the citizens of any other section of the state.<sup>49</sup> After the departure of the editor of the *Zeitung* the excitement abated, and nothing more happened to mar the good will between the Germans and their American neighbors before the outbreak of the Civil War.

Another instance of the intolerance of everything that pertained to abolitionism in Texas was shown in 1859 at Bonham. The annual conference of the Methodist Episcopal Church was held near Bonham in the spring of that year. It appears that some opinions, unfavorable to the institution of slavery, were expressed at the meeting. As soon as this became known to the people in that community, about three hundred men gathered at Bonham. At an indignation meeting which was presided over by Judge Samuel A. Roberts, severe resolutions were adopted to the effect that, as the Northern Methodist Church entertained sentiments antagonistic to slavery, and that, as such sentiments had been expressed by its ministers upon the streets of Bonham, and that, as it appeared to be the purpose of the church to abolish slavery in the United States, therefore the further growth of this church in Texas would be adverse to the best interests of the state; that this church was used merely as a screen behind which to hide abolition emissaries who were dangerous to Texan interests and not to be tolerated; that the public denunciation of slavery heard on the streets that day was a gross insult to the people and should be promptly resented; that the views of the church on that subject did not coincide with the views of the people of Fannin County and that therefore the dissemination of such views must be stopped; that a committee be appointed authorized to pass rules to punish those uttering seditious sentiments; that a suitable committee be sent to the bishop and ministers assembled on Fannin Creek to order them to close the conference, as the same endangered the peace of the community. These resolutions closed with the suggestive phrase, "peaceably if we can—forcibly if we must." Before the meeting closed another resolution was unanimously adopted to the effect that the people of Bonham bind themselves to co-operate in the future to suppress abolitionism

<sup>49</sup>*Ibid.* December 8, 1855.

in their midst, and that henceforth they would permit no expression of abolition sentiments to go unpunished in the county. Fifty men were appointed to wait on the bishop and read the resolutions to him.<sup>50</sup> The conference was thus broken up. Bishop Janes, the presiding bishop on that occasion, later said that the reason for the attack was that his church differed on the slavery question with the Methodist Church in the South, and that the inhabitants of Fannin County believed that the people present at the conference were spies and forerunners of the invading army of abolitionism.<sup>51</sup>

In 1860 it became necessary for J. B. Robertson of Independence, Texas, a friend of Baylor University, to publish an open letter repudiating charges of abolitionism against some of the teachers in that institution. After stating that the rumor was untrue that one had been driven off on account of his views on slavery, he added that he was personally acquainted with every teacher in the University and knew that all of them were not only sound, but above suspicion, on the slavery question.<sup>52</sup>

#### V. THE FIRST SESSION OF THE SECESSION CONVENTION

As the result of Governor Houston's refusal to take any steps toward calling a convention it became necessary for the disunion leaders to call the secession convention in an extra-legal manner. The Governor had been besieged by committees and petitions to convene the legislature, or to issue a call for a convention. He hesitated to do either, probably hoping that the excitement would soon subside, and that it would be in his power to save Texas to the Union. But his hopes were not to be realized, for the radical element was in control of the state. All the Southern states were taking action, and Texas was eager to do likewise. The leaders of the secession movement took the matter into their own hands. According to Judge Roberts, chairman of the secession convention, the reasons for so doing were that they were anxious to unite with the other Southern states, and as there were both Union and secession elements in the state, they feared internecine strife, when the North should attempt to force the Southern states back into

<sup>50</sup>*State Gazette*, April 9, 1859.

<sup>51</sup>*State Gazette*, September 10, 1859.

<sup>52</sup>*True Issue*, August 24, 1860.

the Union; and that the only way to unite the people in a common defense of the state, in spite of the will of the Governor, was to determine the status of Texas by a vote of the people.<sup>53</sup>

It would thus appear that the leaders of the movement fully realized that the outcome of secession might be war. But it is equally certain that the common people did not believe such would be the case, and that they were purposely encouraged in this belief. The great task of Governor Houston during the interval between the passing of the secession ordinance and its ratification was an heroic attempt to convince the people that secession meant war.

Under the Constitution, neither the Governor nor the legislature had direct authority to call a convention. But the Governor had authority to convene the legislature in special session, and once convened, even in special session, the general powers of the legislature would be quite extensive. Had Houston convened the legislature, it would probably have called a state convention, but as he refused to do this, it appeared necessary that the convention be called without the co-operation of either the Governor or the legislature. This was done. The plan to issue an address calling upon the people to elect delegates to a state convention originated in the attorney general's office. The first address was drawn up in Justice O. M. Roberts's office by W. P. Rogers, George M. Flournoy, John S. Ford, and O. M. Roberts. This address appears in Judge Roberts's *Political, Legislative and Judicial History of Texas*.<sup>54</sup> In the *Journal of the Secession Convention* another address is printed which differs somewhat from the copy that Roberts gives. Thus, the Roberts's call has sixty-one signatures, while the call printed in the *Journal* has seventy-two.<sup>55</sup> The reasons given in the *Journal* address for calling a convention are the election of a sectional president; the imminent danger to Southern rights; the Governor's refusal to convene the legislature; the fact that the sovereign will of the people could be best expressed by a convention; that neither governor nor legislature was authorized under the

<sup>53</sup>Roberts, in *A Comprehensive History of Texas*, II. 87.

<sup>54</sup>In *A Comprehensive History of Texas*, II. 88.

<sup>55</sup>The names of W. J. Darden, J. P. Gibson, T. N. Waul, Wm. Carleton, J. H. Lightfoot, James E. Harrison, Robert J. Townes, A. R. Crozier, J. M. Steiner, C. Kyle and M. D. Graham are found in the *Journal* but not in Justice Roberts's call. Other signers of the two calls were identical.

Constitution to call a convention, though the people had the right to do so;<sup>56</sup> that there was not enough time before the president's inauguration for the legislature to act; and finally that the legislature would probably ratify the work of the convention. The address suggested that the election be held January 8, 1861, and that the convention meet at Austin January 28. Elections were to be ordered unofficially by the chief justice of each representative districts, or, in case of his failure, by one or more county commissioners or by a committee of five citizens. The election was to be conducted according to the usual regulations; two delegates were to be elected from each representative district, and the action of the convention was to be submitted to the people for ratification or rejection.<sup>57</sup>

"Art. 1 of the Bill of Rights declares "All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they have at all times the inalienable right to alter, reform, or abolish their form of government in such a manner as they may think expedient." *Journal of the Secession Convention of Texas*, 10.

"In all essential features the Roberts address is the same, except that it omits the important provision for submitting the work of the convention to the people. The origin of this paragraph cannot be traced. Among Judge Roberts's manuscripts is a paper that reads as follows:

"1860 The First Call upon the People of Texas to assemble in Convention—Drawn up by myself and Gen. W. P. Rogers, George Flournoy, Attorney General and by Col. John S. Ford in November at the Capitol in Austin.

"This was copied by me and sent to Gen. Rogers at Houston and adopted at a Mass Meeting at that Place. It was also sent to other places and brought out about the same time.

"Afterwards and before the meeting at Houston come off there being a number of persons wishing to sign the call that was to come out from Austin, Col. Geo. Flournoy drew up one (which is the printed copy here annexed) which was signed and kept unpublished until after the Houston meeting and made public early in Decr—I allude to this at the close of my speech of 1st Decr 1860 at the Capital."

According to this memorandum, George Flournoy drew up the address which was distributed throughout the state. The address referred to in Judge Roberts's memorandum as "annexed" is in the form of a circular. With the exception that it omits the paragraph submitting the action of the convention to the people, it is the same as the one printed in the *Journal*. This paragraph, however, appears in the address when it was published in the *State Gazette*, December 8. The meeting at Houston that Judge Roberts speaks of took place, and it may be that the paragraph was inserted there. No detailed account of this meeting appears in the available papers. There is only one reference to the meeting in the *Gazette*, which simply states that at the meeting it was recommended that a state convention be held at Austin, January 28; that each representative district elect two delegates; and that the election be held on the 8th. But in speaking of the plan for the convention the *Gazette* said,

As soon as the address was published secession became the issue. Houston in a last vain effort to thwart the action of the secessionists, issued a call, December 17, for an extra session of the legislature to meet January 21, just one week before the day appointed for the meeting of the convention. During the interval between the time of the publication of the address and the assembling of the convention great excitement prevailed. Mass meetings and barbecues were again held. Able Union and disunion speakers expounded their views on the situation. The lovers of the Union tried to persuade the people to act with calmness, to believe that in the Union was the best place for the state so long as the Constitution could be preserved, and that the proper thing to do was to preserve both the Constitution and the Union, for the disruption of the Union would bring only universal distress to Texas. They accused the secessionists of not wishing to see the Union preserved on any terms and of closing their eyes to the true remedies for the evil.<sup>58</sup> They also accused the politicians of deliberately hoodwinking the people in pretending that they would submit the action of the convention to the people. But the Union element had, with the exception of Houston, scarcely any strong and aggressive leader, and even Houston was not equal to the occasion. The Union sympathisers appeared to be silent spectators of the great drama played, and the majority of them did not even vote.

"This is the same plan suggested in a communication recently published in this paper, signed by gentlemen living in different counties." (*State Gazette*, December 15, 1860. According to the *True Issue*, December 6, 1860, *The Galveston Telegrapher* published the same plan except that the names of the men who signed it did not appear in the *Galveston News*.) The date of the Houston meeting is not given, but, according to Judge Roberts, the meeting took place before Flournoy's address was published. Flournoy's original address, then, does not contain the paragraph providing for submitting the action of the convention to the people, but when the address was published in the *Gazette*, it was there, in the same order as in the *Journal*. The reference to the address in Judge Roberts's speech on December 1 throws no light on the subject. He merely says there: "It has been suggested that an effort is being made to hold an election in Texas for delegates to a convention, on the 8th of January next. I hope that it will be done. That is an appropriate day for it."

"Texans may cast their vote that day, inspired by the brilliant achievements, that made it memorable:—Southern valor driving back the enemy that dared to invade Southern soil." *Roberts Papers*, University of Texas Archives.

<sup>58</sup>Justice James H. Bell, Speech at Austin, December 1, 1860. *Roberts Papers*, University of Texas Archives.

The aggressive leaders of secession, on the other hand, carried everything before them. The whole movement seems to have been much more spontaneous than has generally been believed. At many mass meetings immediately after Lincoln's election such a convention as the address provided for had been advocated. In some instances action was taken for the election of delegates to a convention of the people even before the address was issued. At a mass meeting in Brazoria County, November 17, 1860, the chief justice was requested to order an election on December 3 for delegates to a state convention. On that date John A. Wharton was elected and represented the county in the secession convention. On November 24, the chief justice of Harrison County was directed by the citizens in mass meeting to order an election the fourth Monday in December for delegates to a general state convention. The delegates then elected became members of the convention. Some other counties held their elections for delegates before the appointed time, as Robertson, December 15; Tyler, December 22; Austin, December 22; Cameron, January 7.<sup>50</sup> So far as the certificates of elections show, only four counties, Jefferson, Orange, Anderson, and Trinity gave no returns.

The Eighth Legislature, at the call of Governor Houston, convened in extra session on January 21. The Governor's message, after reviewing at some length the Indian troubles and the embarrassed condition of the treasury, was devoted to the relations of Texas with the federal government. He deplored the fact that an aggressive sectional party, hostile to Southern institutions, had gained control of the general government, and he said that two alternatives now faced the people—either to abandon the federal government, which would be tantamount to acknowledging the Constitution a failure, or to maintain while in the Union every constitutional right. He advised the latter, for, so far, the grievances had originated with the states and not with the federal government. He advised against hasty and unconcerted action and against immediate separation before having stated grievances and demanded redress; and he could see in the election of Lincoln no cause for immediate and separate secession. He also declared that he believed the time had come when the Southern states should

<sup>50</sup>According to the certificates of election, *Journal of Secession Convention of Texas*, 409-452.

co-operate and counsel together to devise means for the maintenance of their constitutional rights, and to demand redress for the grievances they had suffered at the hands of the Northern states. He had ordered an election for the purpose of choosing delegates to a Southern convention, as recommended by the joint resolutions of 1858. He recommended, further, that the legislature provide legal means by which the people might express their will through the ballot box; and if the legislature deemed it necessary to call a convention for the purpose he would not oppose it. He would only suggest that no action should be considered final until it had been submitted to the people. He looked to them for wise and sagacious counsels, "Representing the creative power of law," he said, "the high responsibilities upon you demand that you indignantly frown upon any and every attempt to subvert the laws and substitute in their stead the will of revolutionary leaders." Only the people could determine upon the status of Texas, and therefore he recommended that the question be submitted to them, and concluded: "Be their voice as it may, we shall be united and whether our future be prosperous or gloomy, a common faith and hope will actuate us; but if on the contrary, moved by rash and unwise counsels, you yield the powers of government into the hands of those who do not represent the people and would rise superior to them, the confidence of the masses in the reign of law and order will be shaken, and gloomy forebodings will fill the hearts of the friends of regulated Government, lest the reign of anarchy and confusion come upon us."<sup>60</sup>

The legislature, however, disregarded the Governor's recommendations and proceeded to do the very things he had urged it not to do. One of the first resolutions adopted, repealed the joint resolution of 1858 under which the Governor had acted the preceding November. The friendly feeling toward the extra-legal convention was also shown almost immediately. As the delegates to the convention arrived at Austin, they were invited to seats within the bar of the Senate and the House. Although the Governor's friends made an attempt to carry out his wishes, they could accomplish nothing. Throckmorton's resolution providing for the election of delegates to a general convention of the people of

<sup>60</sup>*Senate and House Journal*, 1861, 20.

Texas<sup>61</sup> was referred to the committee on State Affairs, from which it never emerged. But a joint resolution offered by Mr. Herbert to validate the acts of the convention to be held at Austin, January 28, 1861, which further provided for the mileage and per diem of the members of the convention, referred to the same committee appeared again in a short time transformed into the following resolution, which was adopted January 26:

Whereas the people of Texas, being much concerned for the preservation of the rights, liberties, and powers of the State and its inhabitants, endangered by the political action of a majority of the states, and the people of the same have, in the exercise of powers reserved to themselves in the bill of rights, called a convention, composed of two members for each representative in the legislature from the various districts established by the apportionment law of 1860, to assemble on the 28th day of January, 1861, at the city of Austin, which convention, by the terms of the call, made by the numerous assemblages of citizens in various parts of the state, was, when elected and assembled, to have power to consider the conditions of public affairs, to determine what shall be the future relations of this state to the Union, and such other matters as are necessarily and properly incident thereto; and in case it should be determined by said convention, that it is necessary for the preservation of the rights and liberties aforesaid, that the sovereignty of Texas should resume the powers delegated to the federal government in the Constitution of the United States, and by the articles of annexation, then the ordinance of said convention resuming said delegated powers and repealing the ratification by the people of Texas of said articles of annexation should be submitted to a vote of the qualified electors of this state for their ratification or rejection; therefore,

1. Be it resolved by the legislature of the state of Texas, That the government of the state of Texas hereby give its assent to and approves of the convention aforesaid.

2. That this resolution take effect and be in force from and after its passage.<sup>62</sup>

It was, however, not approved by the Governor until February 4, 1861, and then it was approved with a protest against the assumption of any power on the part of the convention, beyond that of referring the question of secession to the people.

<sup>61</sup>*Ibid.*, 37.

<sup>62</sup>*Journal of the House of Representatives, 1861, 57; Journal of the Secession Convention of Texas, 13.*

A joint resolution was also passed relative to coercion in which the legislature maintained in substance that the sovereign states had denied to the federal government the power to compel by arms obedience by the states to federal authority; that the attempt of the federal government to coerce a state was a violation of the Constitution, destructive to the right of free government, and fatal to the existence of the Union; that should the federal government attempt to coerce a sister state into subjection to federal rule Texas would make common cause with her in resisting, by all means and to the last extremity, such violence and usurpation of power.

All action taken by the legislature in the early part of its session was in accord and sympathy with the convention. The House tendered the use of its hall to the convention each day after two o'clock, and fuel and stationery were placed at its disposal.

After the secession ordinance had been passed the legislature co-operated with the convention in placing the ordinance before the people for ratification or rejection. Two acts were passed for this purpose. The first, passed over the Governor's veto, merely required the officers of the state to order elections for the ratification or rejection of the ordinance of secession according to the directions of the state convention. Two days later it became necessary to pass a supplemental act requiring the Governor to issue a proclamation for the election, and to direct the vote to be taken and returns to be made in the manner prescribed in the first act and in the ordinance of the convention on the subject. This act was approved by the Governor February 9, with a protest against the short time allowed for notice.<sup>23</sup>

The first secession convention convened at Austin, January 28, 1861. The personnel of the convention, according to the correspondent of *The True Issue*, consisted of a respectable body of men, both in personal appearance and in point of intelligence; but there were many conjectures as to what it would do. According to the same correspondent, some thought that the action of the convention would be declared binding without any reference to the people. Some believed the convention intended to usurp sovereign power, subvert the state government, and erect a provincial one in its

<sup>23</sup>Gammel, *Laws of Texas*, V, General Laws of Extra Session, 1861, 18.

stead; and that, if this should be attempted, neither Houston nor his friends would resort to arms to suppress and prevent it.<sup>64</sup>

The organization of the convention was effected the first day. O. M. Roberts was elected president, R. T. Brownrigg, secretary, W. D. Schofield, first assistant secretary, and R. H. Lundy, second assistant secretary. There had been some irregularities in the election of certain members, but the report of the committee on credentials favored seating them all and contests were thus avoided. In a number of the counties, namely Tyler, Harden, Titus, Harrison, Karnes and Bee, more delegates had been elected than such counties were entitled to under the call. The committee recommended that all such delegates be allowed seats, but that they should have only as many votes as the number assigned to the county they represented. In Travis, Williamson, and Milam counties the six delegates had not been elected in the manner indicated by the call, but they also were seated.<sup>65</sup>

The president was authorized to appoint the following committees: a committee composed of one member from each judicial district represented in the convention, on Federal Relations; a like committee to present business to the convention; and committees on Finance, on Resolutions, and on Public Safety. Later, as they became necessary, committees on Foreign Relations, on Commerce, Revenue and Navigation, on Business, and on Postal Affairs, were added. Each member of the convention took an oath faithfully and impartially to discharge his duties and bear true allegiance to the state.<sup>66</sup>

The direct issue before the convention came up on the second day, when Mr. Wharton offered a resolution "that without determining now the manner in which this result should be effected, it is the deliberate sense of this convention that the state of Texas should separately secede from the Federal Union."<sup>67</sup> This was adopted by a majority of one hundred and fifty-two to six. At this juncture it was learned that John McQueen, commissioner from South Carolina to Texas, had reached Austin. A resolution was immediately passed inviting him to a seat upon the president's stand

<sup>64</sup>*The True Issue*, January 31, 1861.

<sup>65</sup>*Journal of the Secession Convention of Texas*, 22-23.

<sup>66</sup>*Ibid.*, 25.

<sup>67</sup>*Ibid.*, 25.

during the session, and a committee of three was appointed to inform him of the action of the convention. Mr. McQueen visited the convention on February 1, and delivered a speech, during the course of which he complimented the intelligence and spirit displayed by the convention in dealing with the situation. He said that he felt confident that Texas would soon be ready to join the other seceding states in forming a Southern Confederacy for the purpose of perpetuating the "institutions of our ancestry, who transmitted them to us, that we should have in them but an usufruct, and transmit them untarnished, to our posterity."<sup>68</sup> General John W. A. Sanford, commissioner from Georgia, addressed the convention on February 4. After briefly reviewing Georgia's course in the present crisis, he congratulated the convention on the "auspicious result of its labors" and was pleased to note that it had referred its decision to the judgment of the people. He hoped that when the work of the convention should have received the sanction of the people, Texas would unite with the other Southern states, as such a policy was necessary to the prosperity, happiness and safety of all.<sup>69</sup>

On January 30, the convention received from the legislature a copy of some Tennessee resolutions, accompanied by a letter of Governor Houston addressed to the legislature. The Tennessee resolutions were in the nature of a reply to certain resolutions recently passed by the legislature of New York. The legislature of New York had offered men and money to the president of the United States for the purpose, according to the language of the Tennessee resolution, "of coercing certain sovereign states of the South into obedience to the Federal Government." Governor Houston in his letter advised the legislature to meet every assault upon the liberties of the people. He again reminded them of the fact that he had called them together to provide for an expression of the will of the people at the ballot box, and that while the people were deliberating upon the question no impending threat of coercion from the people of another state should be permitted without at least meeting with the condemnation of their legislature.<sup>70</sup>

Several resolutions had been offered in regard to the convention's

<sup>68</sup>*Ibid.*, 50.

<sup>69</sup>*Ibid.*, 73.

<sup>70</sup>*Ibid.*, 31.

getting into official communication with the Governor, and all had finally, on January 30, been referred to a special committee of three. This committee on the same day reported a mode of procedure, which was immediately adopted. The report provided for a committee of five to be appointed by the president, whose duty it should be to wait upon the Governor and to confer with him on subjects connected with federal relations; it provided also for a like committee to inform the legislature that the convention was organized and ready to proceed with the work before it, and that the convention desired to act in harmony with the various departments of the state government. John H. Reagan, P. W. Gray, John D. Stell, Thos. J. Devine, and W. P. Rogers were appointed to wait upon the Governor. Houston received the committee kindly, expressed his thanks to the convention for its courtesy, and promised to communicate with the convention the next day.<sup>71</sup> In this communication to the committee, Houston said that whatever appeared conducive to the welfare of the people had his most fervent good wishes, and that no one would be more ready than he to yield obedience to the will of the people, when it had been expressed through the ballot box; he was ready to act in harmony with the convention in securing an expression of the popular will in regard to federal relations, and he would cheerfully confer with any committee appointed for that purpose. But he did not commit himself any further.<sup>72</sup>

At the afternoon session on January 30, the ordinance of secession was placed before the convention by the Committee on Federal Relations, accompanied by a minority report, which minority report concurred with the majority in recommending the ordinance reported by the committee, but dissented from the resolution accompanying the ordinance which proposed to refer the ordinance to a vote of the people, taking the position that the interests of the state could be best served by the ordinance's taking effect immediately.<sup>73</sup> The ordinance was read the first time, and the convention adjourned to meet again in secret session in the evening.

<sup>71</sup>*Journal of the Secession Convention of Texas*, 37.

<sup>72</sup>*Ibid.*, 47.

<sup>73</sup>The minority report was signed by W. B. Oohiltree, A. W. Hicks, Wm. S. Todd, P. T. Herbert. *Ibid.*, 36.

The ordinance, which was finally adopted in its original form, is as follows:

Sec. 1. Whereas, the Federal Government has failed to accomplish the purposes of the compact of union between these states in giving protection either to the persons of our people upon an exposed frontier or to the property of our citizens; and whereas the action of the Northern states of the Union, and the recent development in federal affairs, make it evident that the power of the federal government is sought to be made a weapon with which to strike down the interests and prosperity of the Southern people, instead of permitting it to be as it was intended, our shield against outrage and aggression:

Therefore, We the people of the state of Texas in convention do declare and ordain, that the ordinance adopted by our convention of delegates on the 4th day of July, A. D. 1845, and afterwards ratified by us, under which the republic of Texas was admitted into the Union with other states and became a party to the compact styled 'The Constitution of the United States of America' be and is hereby repealed and annulled; that all the powers that by said compact were delegated by Texas to the federal government are revoked and resumed; that Texas is of right absolved from all restraints and obligations incurred by said compact and is a separate sovereign state.

Sec. 2. This ordinance shall be submitted to the people of Texas for ratification or rejection by the qualified voters on the 23rd day of February, A. D. 1861, and unless rejected by a majority of the votes cast shall take effect and be in force on and after the 2nd day of March, A. D. 1861.<sup>74</sup>

At this secret evening session the discussion upon the ordinance began, and it was continued until the next evening, when it was decided to vote the next day at twelve o'clock, and to do so without discussion. There appears to have been much disagreement in regard to the contents of the ordinance. At the first evening session a radical substitute was offered by A. P. Wiley. It provided that after the withdrawal of Texas from the Union, all parts of the existing state constitution and laws not repugnant to the provisions of the ordinance of secession should remain in force until a new constitution could be adopted; that all officers of the government be required to take an oath to support the ordinance of secession and the constitution of government to be adopted by the conven-

<sup>74</sup>*Ibid.*, 36.

tion, and that in case the Governor for a week, or any other officer for a month, should fail to take the oath after the ordinance and constitution should take effect, such office should be declared vacant; that immediately after the adjournment of the convention the Governor, or if he refused, the lieutenant governor, should issue a proclamation directing the chief justice to order and hold elections for the ratification or rejection of the ordinance of secession and at the same time and in like manner to vote for the ratification of a general government for the Southern United States that may be adopted at Montgomery.<sup>75</sup> John Gregg then moved to strike out the second section of the ordinance submitted by the committee. No action was taken at the time, and when it came before the convention the next afternoon, several substitutes for his resolution were offered. T. J. Chambers's substitute provided for an election of governor and members of the legislature on February 23, in accordance with the last apportionment act, and provided that the officers elected at that time should assume their duties on March 2; that seven delegates should be elected to represent Texas at Montgomery by a joint vote of the legislature and the convention on February 1; that the legislature should be authorized by the convention to watch over and provide for the safety of the state until another legislature could be installed, and that for this purpose the legislature should be authorized to adjourn and assemble at will, to pass all laws necessary to carry into full effect the powers formerly delegated to but now withdrawn from the federal government, and in the name of the state to contract such debts and to bind the state therefor, not to exceed five millions of dollars, as should be necessary for the defense.<sup>76</sup> But no agreement could be reached. Finally, on motion of J. C. Robertson the vote on the Gregg resolution was ordered. The resolution was lost by a vote of twenty-nine to one hundred fifty-seven. The people had won.<sup>77</sup>

On the following day, February 1, the Governor, lieutenant governor, and judges of the supreme and district courts, were invited to seats within the bar of the convention when the vote on the ordinance was to be taken. Five men were appointed as a com-

<sup>75</sup>*Journal of the Secession Convention of Texas*, 38.

<sup>76</sup>*Ibid.*, 44.

<sup>77</sup>*Ibid.*, 44.

mittee to wait on Houston and Clark. Houston was given a seat on the right of the president. At the appointed time the ordinance was taken up, read a third time and passed by a vote of one hundred sixty-six to eight. Although it had been decided the evening before that no discussion should take place when the vote was taken, many of the members of the convention could not refrain from giving the reasons for their votes. The most exciting incident of the vote was caused by J. W. Throckmorton's remarks. He rose from his seat and said: "Mr. President, in view of the responsibility, in the presence of God and my country—and unawed by the wild spirit of revolution around me, I vote no."<sup>78</sup> Much confusion followed. Hisses as well as applause came from the galleries. Throckmorton rose from his seat and exclaimed: "Mr. President, when the rabble hiss, well may patriots tremble." Prolonged cheering from the galleries followed, and a strong appeal from the president was necessary to restore order.<sup>79</sup>

With the passage of the ordinance the first act in the drama of secession was at an end.

At the afternoon session a resolution had been passed providing for sending copies of the ordinance to the Governor and the legislature, and requesting their co-operation in submitting it to the people. At this time the committee on Federal Relations reported an ordinance prescribing the mode of election to be held for the ratification or rejection of the ordinance, the substance of which was that the election be held February 23; that each county should be an electoral district and that the votes be returned by the proper officer to the president or secretary of the convention; that the election should be held by the proper officer in each county, with or without an order from the chief justice of such county; that the returns from the precincts should be made on or before February 26; that the manner of making returns to the chief justice, county clerk, or commissioners, should be the same as in ordinary elections; that the duty of the officer to whom the returns were made should be to count the votes, certify the results and transmit the same to the president of the convention in duplicate, at different times, by mail, or by some discreet person; that the aggregate vote should be counted by the president and the

<sup>78</sup>*True Issue*, February 7, 1861.

<sup>79</sup>*True Issue*, February 7, 1861.

secretary of the convention on or after March 2; that the manner of voting should be by ballot "for secession" or "against secession," each qualified voter being permitted to cast his vote in any part of the state; and that finally the people of El Paso should be permitted to hold their election February 18. This ordinance was adopted by sections and then passed as a whole.<sup>80</sup>

The next afternoon, February 2, the special committee appointed for the purpose, presented an address setting forth the causes that impelled Texas to withdraw from the Union. The causes as thus set forth were: that Texas had not been permitted to enjoy the blessings guaranteed to it when it became a member of the Union; that for the purpose of acquiring power in the Federal Government in order to destroy the institutions of Texas and of the other slave-holding states, the controlling majority of the federal government had under various disguises administered the government in such a way as to exclude the citizens of the Southern states from the enjoyment of the common territories; that because of the disloyalty of the North and the "imbecility of the Federal Government," combinations of outlaws had been permitted to trample upon the federal laws in Kansas, upon the lives and property of Southern citizens there, and to usurp the possession of the territory for the benefit of the Northern states; that the federal government had failed to protect the borders of Texas from the Indians or the Mexicans; that when the state had expended money for that purpose, the federal government had refused to reimburse the state; that the individual non-slaveholding states had deliberately violated the Constitution; that the people in these states had formed themselves into a great sectional party for the purpose of abolishing slavery and forcing political equality between the two races; that the abolitionists had been sowing seeds of discord between the two sections, and had consolidated their strength and placed the slave-holding states in a hopeless minority in Congress; that the South could no longer protect its rights there against encroachments; that these adversaries proclaimed a law higher than the Constitution, and had encouraged lawless organizations to steal slaves and prevent their recapture; that they had invaded Southern soil, murdered unoffending citizens, sent seditious pamphlets to

<sup>80</sup>*Journal of the Secession Convention of Texas*, 58.

stir up insurrection, and emissaries to burn towns and to distribute arms and poison to the slaves; and that they had elected a sectional president.<sup>81</sup> In view of these facts the convention proclaimed its belief that the government was established exclusively for the white race; that the African race was rightfully held and regarded as an inferior and dependent race and that only in that condition could their existence in the country be rendered beneficial and tolerable; that all white men are and of right ought to be entitled to equal civil and political rights; that slavery was authorized and justified by the experience of mankind, by the revealed will of the Creator, and recognized by all Christian nations; that the destruction of existing relations between the two races would bring inevitable calamities upon both; that as six states had seceded there was no course open for Texas except to unite her destiny with those states.<sup>82</sup>

The next step in the secession procedure was to secure control of the situation during the recess of the convention. This was necessary in order to carry out the secession program in case of possible opposition by the unionists, until the wishes of the people could be expressed in the election ordered. The effective instrument adopted for this purpose was the Committee on Public Safety, a body originally invested with extensive authority and gradually strengthened until it had complete power during the recess of the convention. In matters pertaining to the defense of the state and to secure the public safety, it had almost absolute power.<sup>83</sup>

The next move in the extra-legal proceedings of the convention was to elect seven delegates to the Montgomery convention. There was a difference of opinion as to the advisability of such action before the will of the people should have been expressed at the ballot box. As early as January 30, a recommendation to send such delegates had been offered.<sup>84</sup> This was followed by many other resolutions and substitutes, and all were finally referred to a select committee of three.<sup>85</sup> This committee reported a resolution which was adopted, after striking out the number four and inserting in

<sup>81</sup>*Ibid.*, 61.

<sup>82</sup>*Ibid.*, 63.

<sup>83</sup>*Ibid.*, 71, 82.

<sup>84</sup>*Ibid.*, 33.

<sup>85</sup>*Ibid.*, 68.

its place the number seven, by a vote of one hundred thirty-two to thirty-eight.<sup>86</sup> John H. Reagan, Louis T. Wigfall, John Hemphill, T. N. Waul, John Gregg, W. S. Oldham, and Wm. B. Ochiltree were elected to represent Texas at the Montgomery convention. No more business of importance was transacted by the convention during its first session. Resolutions covering every conceivable phase of the situation were offered, but the majority of these were either tabled or lost in the committees. F. Locke went so far in his zeal as to offer a resolution to the effect that it was the sense of the convention that there should be an article incorporated into the constitution of the Southern Confederacy to be formed at Montgomery, that would prohibit any state therein from abolishing slavery.<sup>87</sup>

The first session of the convention adjourned February 5, to convene again March 2; and Judge Roberts, after congratulating the convention on its courteous and conciliatory deliberations, adjourned the convention in the following words:

"Let us go home and appeal to them [the people] to sustain our action by their votes; and when we reassemble on the 2nd of March let us bring back with us the voice of a united people, in favor of an immediate action to sustain the rights of the people of Texas and of the South at all hazards, and to the last extremity."<sup>88</sup>

<sup>86</sup>*Ibid.*, 76.

<sup>87</sup>*Ibid.*, 53.

<sup>88</sup>*Ibid.*, 85.

HARRIS COUNTY, 1822-1845<sup>1</sup>

ADELE B. LOOSCAN

## I. FIRST SETTLERS

It is difficult to trace the first white settlers in a country inhabited only by Indians of nomadic habits, such as frequented the shores of Texas. In most cases the first settlers are of habits similar to those of wandering tribes, and after a brief stay, move on to more inviting localities. It is only after they have begun to arrive in considerable numbers, and land titles are issued to them, that accurate data are obtainable as to their names, number and location.

In the case of Harris County we know only that, when the first

<sup>1</sup>I am indebted to the following sources for the material of this history: Original letters and business papers of the family of John R. Harris, of Lewis Birdsall, and of Andrew Briscoe; records of county court, probate and commissioners courts, and district court of Harris county; *The Gazette*, published at San Felipe de Austin, October, 1829, by Goodwin Brown Cotton; *The Telegraph and Texas Register* (Houston), 1838-1856 (incomplete); *The Morning Star* (Houston), volumes 1 to 6, April 8, 1839, to October 26, 1844; "Extracts from an Historical sketch of Harris County," by C. Anson Jones, in *Burke's Texas Almanac*, 1879, taken from an address read by him at the centennial celebration held at the State Fair Grounds, in Houston, July 4, 1876; "A manuscript History of the Early settlement of Harris County," by Mrs. Mary J. Briscoe (only daughter of John R. Harris) written by her for the Ladies' Reading Club of Houston in 1885; *The Morning Star*, H. D. Fitch, editor, Houston, March 4, 1840; Letters from A. B. Dodson of Alice, Texas, *Texas Almanac*, 1858, pp. 115-116, and 1859, pp. 36-59, *From Virginia to Texas* (1835), being a diary of Colonel Wm. F. Gray, published by A. C. Gray in 1909; *Six Decades in Texas*, by F. R. Lubbock, "Troubles of a Mexican Revenue Officer," by Eugene C. Barker, in *THE QUARTERLY*, IV, 190-202; "Reminiscences of Mrs. Dilue Harris," *Ibid.*, IV, 85-127, 155-189. VII, 214-222; "The first Texas Railroad," by P. Briscoe, *Ibid.*, 279-286; *Year Book for Texas* (1901), by C. W. Raines; biographical sketches, by John Henry Brown, in his *Indian Wars and Texas Pioneers*; biographical sketches of citizens of Houston and Galveston in *History of Texas*, published by Lewis Publishing Company, Chicago, 1895. "A Tale of two Texas towns" (Anahuac and Harrisburg), by Adele B. Looscan, *Galveston News*, September 6, 1903. "History of The Texas Press," by A. C. Gray, in *A Comprehensive History of Texas*, II, 368-423, and copies of papers filed in court in the succession of John R. Harris, the final settlement of the business having been effected by Judge Andrew Briscoe. The "Extracts from an Historical Sketch of Harris County," were, so far as statements about early settlers are concerned, chiefly obtained from John Iiams (son of the first settler), and members of other families who arrived at an early period.

colonists from the United States came to its shores at the invitation of the empresario, Stephen F. Austin, they found a few settlements already established on the shores of Galveston Bay and the streams emptying into it. The names of some of these settlers have been handed down by unofficial writers in newspapers, a few from the recollections of their contemporaries.

The year 1822 seems to have been the earliest period claimed for any settlements, and it is more than probable that the rumor of Austin's colonization scheme caused them to be made. A few settlers may have come overland from Louisiana, but those of whom record is here made, arrived on shipboard, and were in some instances tossed ashore when their frail boats were wrecked by storms on the reefs and bars of the bay. Numbered among these were Moses L. Choate and Colonel Pettus, on board the *Revenge*, which was wrecked on Red Fish Bar, in April, 1822. Their schooner, commanded by Captain Shires, ran aground, and the passengers left the vessel and went up the San Jacinto River, where they made homes, probably the first settlements on this river, or in Harris County. Only the names of the two mentioned here have been preserved. There was also a Mr. Ryder, who in 1822 lived alone at the extreme end of Morgan's Point. He was a surveyor. Beyond this nothing has been handed down regarding him.

John Iiams is the next of whom we have record. Embarking at Berwick's Bay, Louisiana, with his family, consisting of a wife and two boys, he landed at Galveston Island on June 3, 1822. He settled on the mainland of Galveston Bay, at what was known as Cedar Point, where a league of land was afterwards granted him by S. F. Austin.

In about two weeks after Iiams and his family arrived, Dr. Johnson Hunter came, with his family. Their advent was attended by dangers and hardships such as were experienced by few. Their vessel was wrecked on Galveston Island; there were five children, one, William, an infant in arms. After repairing the boat, they succeeded in reaching the mainland, afterwards called Morgan's Point, where they first made their home, and where Johnson Hunter located one of the original land grants from the Mexican Government.

Nathaniel Lynch came and settled at the point where Buffalo Bayou flows into the San Jacinto River. This was also in the

year 1822. The settlement which grew up around him was called Lynchburg, and the ferry there established was of great service to early settlers, and was long known as Lynch's Ferry. At about the same time John D. Taylor settled on the north side of the San Jacinto River, at a point afterwards known as Midway.

Other settlements on the same river at about this time were made by John Jones, who came out in the same vessel with Iiams.

Humphrey Jackson, John and Frederick H. Rankin also settled about twelve miles above Lynch's. The only settlers on Buffalo Bayou previous to 1824, so far as known, were the Vinces—William, Allen, Robert, Richard and John,—all young men, Ezekiel Thomas, and Moses A. Callahan.

It is said that the earliest settlement in the immediate neighborhood of what afterwards became the City of Houston was made in 1822, by a Mrs. Wilkin, her two daughters, and a son-in-law, Dr. Phelps. They lived for a short time on a tract of land that was afterward known to the early citizens of Houston as Frost-town.

These settlements were made independently of any colonial grant, as Austin had not at that time perfected his arrangements with the Government for colonizing. So soon as this was done, most of these early settlers received, at the hands of his representative, grants for the land occupied by them, and their names were officially entered on the records of Austin's colony.

In 1824, Stephen F. Austin accompanied by his secretary, Sam M. Williams, and the commissioner, Baron de Bastrop, came by appointment to the house of William Scott, who a short time before had bought out the improvements of John D. Taylor on the San Jacinto River. The settlers assembled from far and near to receive their titles to lands. The work of issuing titles, which was begun in July, 1824, by Baron de Bastrop, had not been completed when he was called away. By August 24 he had issued two hundred and seventy-two titles. The work remained unfinished until 1827, when Gaspar Flores was appointed commissioner, and gave deeds to the remaining families of "The Old Three Hundred." "There was no provision in the law for granting land to men without families. These were joined in groups of two or three and each group constituted a legal family."

Those in Harris County who received titles at this time (1824) and located their land in this county were:

John Austin, William Bloodgood, Enoch Brinson, John Brown, Moses A. Callihan, David Carpenter, John Cooke, John Dickinson, Thos. Earle, David Harris, John R. Harris, William Harris, William J. Harris, Johnson Hunter, Humphrey Jackson, Nathaniel Lynch, Arthur McCormick, Luke Moore, Frederick H. Rankin, William Scott, Christian Smith, James Strange, John D. Taylor, Ezekiel Thomas, Richard Vince, Robert Vince, William Vince, Amy White, Reuben White and William Whitlock.<sup>2</sup> Patrick Brias received his in 1827.

There seem to have been only about thirty original grants made in Harris County at this time, but there were several settlers in the county who located their lands in other counties embraced within Austin's first colonial grant, and the lands of a few located in two counties, which adjoined each other. Besides the settlers who received land titles there were others, members of the same families, who should be mentioned. For instance, Page Bellew, the father-in-law of William Bloodgood; Charles C. Givens and Presley Gill, who immigrated with William Scott, and Dr. Knuckles, who afterwards married one of Scott's daughters. Another of his daughters was married about 1826 to Sam M. Williams. Thomas Bell, who with his wife and two children had settled just above the mouth of Cedar Bayou, sold out his improvements to Scott, and the land was granted to Scott.

Arthur McCormick immigrated in 1824, and settled on the south bank of the San Jacinto River below Lynchburg, adjoining the settlement of Enoch Brinson. His headright league became noted as the ground on which the battle of San Jacinto was fought, twelve years after he had located his home there. He, together with his wife and two sons, John and Michael, occupied this land as long as they lived.

Reuben White and his four brothers, Jesse, George, Henry and William, all came in 1824 and settled on the San Jacinto about six miles above Lynch's. James Dunman landed at Lynchburg in

<sup>2</sup>These names are obtained from Lester G. Bugbee's "The Old Three Hundred," in *THE QUARTERLY*, I. 108-117.

the same year and settled on the west side of Cedar Bayou, and as late as 1876 was still living a few miles above this point.<sup>3</sup>

The bay shore offered most pleasing locations, and were among the earliest to be improved as homes. Among these was the Edwards place at Edwards Point, and that of Ritson Morris near the mouth of Clear Creek on Galveston Bay, which were settled as early as 1825.<sup>4</sup> "In 1828 or 29 Philip Singleton settled on the north bank of Buffalo Bayou between the mouth of Old River and Carpenter's Bayou, on a hill nearly opposite where the Texian army camped the night before the battle of San Jacinto, and built a small log house afterward covered with plank, which is mentioned here because it is the first house in the county of which we have any account which was covered with shingles and had glass window sashes. . . . Singleton afterward sold it to, and it became the home of Lorenzo de Zavala, the distinguished Mexican refugee and Texian patriot."

"Concerning the settlement of the Spring Creek country not so much is known. Sam McCurley was living there on the league of land granted to him, a few miles from where Hockley now stands, as early as 1829. The Texian army camped there on the retreat to San Jacinto, April 17, 1836. Abraham Roberts lived further down the creek on his headright league."<sup>5</sup>

About 1839 or 40 David Huffman started the Huffman settlement, and in 1876 he was still living there in the midst of his children and grandchildren.<sup>6</sup> The place is now designated on the county map as the town of Huffman.

John Richardson Harris, the first of the name to emigrate to Texas, had made the acquaintance of Moses Austin while living with his family at Saint Genevieve, Missouri, in 1819-21. He agreed to join the colony, should Austin's plan for obtaining the necessary concessions from the Mexican government be perfected. He came to Texas in 1822 or 1823 and selected his land location at the junction of Buffalo Bayou and Bray's Bayou, which he considered the head of navigation. In 1824 he received his title to 4128 acres at this point. A letter from John R. Harris, among

<sup>3</sup>*Burke's Texas Almanac*, 1879, p. 88.

<sup>4</sup>*Ibid.*, 78.

<sup>5</sup>*Ibid.*, 79-80.

<sup>6</sup>*Ibid.*, 88.

the papers of Stephen F. Austin, dated September 15, 1825, shows that he was at that time well established and in a position to supply Austin with a sloop or schooner of light draft. After mentioning other boats which were unavailable on account of being in bad condition, he offers to hire the sloop *Mexican*, recently purchased by him, to furnish a good master and crew, provisions, etc., and keep everything in repair for a monthly payment of one hundred and thirty-five dollars. In 1826 he laid off the town of Harrisburg, which became an important depot for supplies. The arrivals of his schooners running between this point and New Orleans were events eagerly awaited by the colonists. In 1827 he was joined by his brother David, who was captain of one of the vessels, and his services are recorded in the history of that time. At a later date two other brothers, William Plunket and Samuel, came out. By the year 1829 John Richardson Harris was not only the founder of a town and the owner of a large stock of merchandise, with ships on the sea, but he had also built a steam sawmill, at the junction of Buffalo and Bray's Bayous. In the summer of this year he sailed for New Orleans on the schooner *Rights of Man*, owned by himself and brother, to procure a piece of machinery for completing the mill, when he was taken sick with yellow fever and died there, August 21.<sup>7</sup> In after years, when Texas had become an independent republic, one of its first counties was named in his honor, and retains this name at the present day.<sup>8</sup>

"The fatality of yellow fever this season in New Orleans has deprived this colony of one of its citizens, who for the enterprise which characterized him, was not only a very useful and important member of this young community, but one to whom it is indebted for the undertaking of a very valuable and considerable branch of mechanical industry.

"In the death of Mr. John R. Harris, the colony has lost an enterprising citizen, and his friends have been bereaved of one whose loss will not be easily replaced. He died on Friday evening, the 21st of August last, in that city after five days illness." From the second number of the *Texas Gazette* (Saturday, October 3, 1829) edited and published at San Felipe de Austin by Goodwin Brown Cotton. The copy from which this is taken is owned by Mrs. Mila Morris of Houston.

\*Family tradition says that John R. Harris heard causes, or complaints, which from time to time arose among the settlers, seated under a magnificent magnolia tree, which stood on the point of land where Buffalo Bayou receives the waters of Bray's Bayou and is now occupied by Weld and Neville's Compress and warehouse. His first residence was on this point, then a most picturesque spot, and his sawmill on the opposite bank of Bray's Bayou. The store and first settlements were in this vicinity and southward down Buffalo Bayou to a point where the Bayou makes a sharp curve. This sawmill site was used for a sawmill

The death of John Harris was followed by an administration upon his estate, and subsequently by a lawsuit on the part of his heirs against the administrator and against Harris and Wilson, which kept his estate in the courts until 1838, when it was finally settled by compromise. This litigation more than anything else prevented the location of the seat of the new Texas government at Harrisburg in 1836, at the time when this honor was bestowed upon Houston. The situation of Harrisburg at the head of navigation on Buffalo Bayou made it by far the better site for a city, especially at a period when water transportation was without a rival.\*

by his brothers, Wm. P. and David Harris, and Robert Wilson, at the time of the Texas Revolution, and afterwards by his sons, DeWitt Clinton, Lewis Birdsall, and John Birdsall Harris, at different times up to 1867, and the ground is still owned by his granddaughter.

\*As original business documents of that early period are rare, the following from the papers of John R. Harris in my possession is copied in full, as probably the first cotton contract of any magnitude in Texas:

"The following contract is this day made and agreed to by the parties hereunto subscribed (to wit), Jared E. Groce of the first part, and John R. Harris and Zeno Phillips of the other part. The said Jared E. Groce, promises to deliver to the parties of the second part on application, all the cotton he has by him at the time, say from ninety to one hundred bails, at ten dollars and twenty-five cents per hundred weight, for the following consideration and payments, (to wit), the said John R. transfers to the said Jared E. nine hundred and sixty-five dollars and 30  $\frac{1}{4}$  in final payments on W. S. Hall, to pay to said Groce, one thousand dollars in Bank bills on the United States Bank, or its branches, on or before the first day of June next or sooner, should a return be made sooner from the sales of said cotton.

"The balance of the price of the cotton is to be paid on the 10th day of January, 1830, in Mexican Eagle Dollars or its equivalent in other money; for the payment of which the parties of the second part will bind themselves in a promissory note so soon as the weights are ascertained.

"March 27th, 1829. At the request of Jared E. Groce, party to this instrument, I signed it.

"Samuel M. Williams

"John R. Harris

"Zeno Phillips

"In the town of Austin, this 27th March 1829, I, Joseph White, Constitutional Alcalde of this Jurisdiction, do certify that the foregoing instrument of contract was made [two words torn] parties in my presence and executed by them before me, Jared E. Groce requesting Samuel M. Williams to sign it for him on account of physical inability to write, his arm being crippled. In witness of which I sign it with two assisting witnesses day and date aforesaid.

"J. White,

"Ass't Witness—Ira Ingram

"Ass't Witness—H. H. League"

In the inventory of "debts. money, merchandise and property real and

In the list of merchandise comprising a part of the inventory of goods in the store at Harrisburg, there is an assortment such as is usually to be found in a general country store. Along with medicines, hardware, saddlery, candles, candlesticks, candle snuff-

personal of John R. Harris filed at San Felipe de Austin, October 2nd, 1829," a copy of which is in my possession, were the names of a great many colonists, carried on his books, with whom he had transacted business at Harrisburg and vicinity, and also at Bell's Landing, the most important trading point on the Brazos river. They are made a part of this record merely to show the extent of the business carried on by him at this early date in Texas colonial history.

Names of those who traded at Harrisburg and neighborhood were as follows: Samuel C. Hiram, James Knight, Luke Moore, P. Singleton, Moses Shipman, Stephen Nicholson, James B. Bailey, Elijah Roark, R. Hicks, H. L. Shropshire, A. J. James, Silas Jones, Michael Young, Jonathan Scott, James Standeford, Carey D. Gary, William Stafford, Thomas Sherman, C. Nash, Dan G. Bayles, John D. Taylor, H. Chevy, Knight and White, William Proctor, Anson Taylor, C. Dyer, M. Bundwich, Jesse Thompson, William J. Harris, R. M. Cartwright, T. Newman, J. Shaw, Thomas Earle, George Brown, Elijah Allcorn, Allan Martin, John Allcorn, William Andrus, Miles Allen, Lewis Boatwright, Daniel E. Bagly, Enoch Brunson, William Brooks, Francis Biggum, John Bird, Jesse H. Cartwright, Cartwright and Laughlin, Phillip Coonse, Lemuel Crawford, Peter D. Buffield, William D. Dunlap, Clement Dyer, Archalam Dodson, William Eaton, John Fank, Isaac Foster, Graves Fulshear, Alexander Farmer, Philo Fairchild, John Gates, Andrew Greg, Gannes Jesus, William J. John Hall, George B. Hall, David Harris, John Hamlin, Humphrey Jackson, Tabitha Iiams, Frances W. Johnson, Samuel Isaacs, John Jones, John Horse Jones, Frederick Jackson, John Iiams, John Jones (workman), John Kelly, Elizabeth Kuykendall, Hugh Kilgore, Nathaniel Lynch, William Laughlin, James Lynch, Joseph Lial, Rice S. Murray, Margaret McCormack, James McLaughlin, John McNutt, John Munroe, Samuel B. Miller, James Mars, Henry W. Munson, John Montgomery, Captain Micks, Colman Nash, Stephen Nicholson, Phelin Newman, Daniel Norton, John Owen, William Pettus, J. C. Peyton, Joshua Parker, Andrew Roach, John Randon, Andrew Robinson, Benjamin Reader, Smith Robinson, Leo Roark, William J. Russell, William Scott, Charles M. Smith, Moses Shipman, Daniel Shipman, William Swail, Joseph Sular, Andrew Smith, Ione Shaw, Ezekiel Thomas, Lewis Thompson, Anson Taylor, Jacob Thomas, Henry Tisherwester, David Sally, William Troboz, Joseph Urban, Jesse Vance, William & Allen Vince, Richard Vince, Walter C. White, White and Harris, S. M. Williams, John W. Williamson, William K. Wilson, Samuel Whitting, John A. Williams, George White, Wiley B. White, Matilda Wilbourn, Charles C. P. Welsh.

Names of those who traded at Bell's Landing, on the Brazos River, near West Columbia: Henry Williams, Robert Brotherton, Thomas Slaughter, William Roe, David Hamilton, Francis F. Wells, William Barret, Saml Chann, William C. Carson, William Robertson, Geo. Robinson, I. C. Parton, R. H. Williams, P. Andrew, P. Burnett, John Jones, S. Williams, M. B. Nickols, Saml. More, Jas. Ray, N. Smithwick, Green DeWitt, Freeman George, Nicholas George, James Stringfellow, Alexander Calvert, Josiah H. Bell, James B. Bailey, Zeno Phillips, Solomon Williams, Jefferson George, Robert H. Williams, Jesse Thompson, Joseph H. Polley, William Selkirk, Noah Smithwick, Martin Varner, William Staf-

ers, cottoncards, and crockery were listed Murray's Grammars, Walker's Dictionaries, slate pencils and lead pencils, gilt buttons, lace, silk vests, flour, sugar, salt, and ordinary groceries.<sup>10</sup>

ford, John Alley, William, John, and George Hall, Chas. Cavenia, Joseph Sampierre, Saml. Low, William Chase, James Danly, Saml May, May & Low, David McCormack, Mrs. Alsbury, Isaac House, Saml. C. Chance, Lawrence Ramey, John C. Keller, Jas. N. Phillips, Cornelius Smith, Thomas J. Pryor, G. B. Jameson, H. Chrisman, Smith Bailey, Henry Jones, Daniel Shipman, Thomas Newman, Knight & White, Silvester Bowin, L. Smither, Harrison Williams, James Pevehouse, Thomas Barnett, James Smith, John B. McNutt, Solomon Bowlin, Geo. S. Penticost, Geo. Thrasher, Edward Robertson, Alexander E. Hodge, Henry E. Brown, John McNeal, Freeman George, A. T. Knauff, Smith Robertson, John Lawrence, James Bailey, Samuel Pharr, Walter C. White, Mrs. Bradley, George Huff, O. H. Stout, John Austin, Ephraim Fuqua, John McLaren, James Moore, John Bradley, Wm. Morton, Arche Hodge, William Barnett, Allan Larison, P. Andrew, Henry Williams, James Norton, James Hinds, T. Farmer, John Gates, Hinton Cartes, Wiley Martin, Jesse Vance, Thos. B. Bell, Joseph Mims, I. C. Peyton, Robert Spears, Jesse H. Cartwright, Nichols McNutt, W. D. C. Hall, William Barrett, Peter Duffield, W. S. Hall, Eli Mitchell, George W. Brown, John W. Moore, White & Harris, Israel Waters, William K. Wilson, William Scate, Capt. Wm. Roberts, George Williams, Mrs. Powell, Francis M. Johnson, Wm. Vince, Wm. J. Ruasell, T. K. Murrey, Mathew Roberts, Judge Tunnell, David Carpenter, T. Alsbury, Job. Williams, Philo Fairchild, Thomas Slaughter, Saml. Highsmith, James Thompson, Andrew Robinson, Jas. Knight, Jas. W. Woodson, Saml. Kenneda, Wm. Kingston, O. Jones, Richardson & Davis. Isaac Vandoren, Border, Saml. O. Pettus, A. Kimble.

<sup>10</sup>The following items from the *Texas Gazette* cast some light on the economic development of the county: "We take pleasure in announcing to the inhabitants of Austin's colony, that the entire Machinery for the Steam Saw Mill at Harrisburg has arrived in Trinity Bay from New Orleans, in the schooner 'Ann Elizabeth.'

"Much credit is due Mr. David Harris, brother of, and administrator of the estate of the late John R. Harris, deceased, the original proprietor of the Mill, for his perseverance in furthering the undertaking, and we hope ere long of hearing of its being in active operation, when our citizens will be able to supply themselves with building timber at a low rate, and at the same time the present proprietors will be amply remunerated for their trouble and expense." March 13, 1830.

"June 5, 1830, a postoffice has been established at Brazoria, and we understand that another will be established at Harrisburg in a short time."

July 22, 1830. "The Steam Saw Mill at Harrisburg of Messrs. Wilson and Harris is in operation and works very well."

July 31, 1830: "Sloop Alabama, Captain Lovejoy, arrived at Harrisburg from New Orleans, will leave for Matamoros with cargo of plank from the saw mill."

On July 10th, 1830, an advertisement states that "Enoch Brinson of San Jacinto Bay has opened a house of private entertainment, also a blacksmith shop." And on October 3, the same year appears the card of:

"G. B. Jameson, Attorney and Counselor at Law—San Felipe de Austin." G. B. Jameson afterwards became a soldier of the Revolution, and perished in the Alamo after having sent out to General Houston important communications and plans of that fortress.

About the year 1831, David G. Burnet, one of the most important figures in Texas history, after a short absence returned, bringing with him a boiler and steam engine, which he located at Lynchburg. In this enterprise were associated with him Norman Hurd and Gilbert Brooks, who came out with the machinery and assisted in building the mill. The mill stood until 1845, when it was destroyed by fire. Judge Burnet's home was only a few miles from Lynchburg, and an arm of the bay in that vicinity is called Burnet's Bay.

The colonists of Harrisburg municipality increased in numbers and prosperity; farms were opened along the streams, supplies were brought by boats from New Orleans, and peace and contentment reigned. Its citizens played an important part in all the affairs of the colony.

From the reminiscences of Mrs. Dilue Harris I have culled the following brief statements regarding citizens at Harrisburg.<sup>11</sup>

"May 1, 1833, Harrisburg had been settled several years. It was settled by four brothers, John Harris, the oldest, had died some years before. His family were living in New York. The other brothers were David Harris, who had a wife and two children, a daughter named Sarah,<sup>12</sup> and William, and Sam Harris. Other people living there were Robert Wilson, wife and two sons; Albert Gallatin and son; Mr. Hiram, wife and two daughters, Sophronia and Susan; Mr. Lytle, wife and daughter; Mr. Brewster and son; Mr. Evans and wife; Dr. Wright and wife; Dr. Gallagher; Mr. Peoples and wife; Mr. Farmer and family; Mr. Mansfield and five negroes; one negro man, Joe, servant of W. B. Travis; John W. Moore; the Mexican Alcalde. The young men were Messrs. Richardson, Dodson, Wilcox, Hoffman, and Lucian Hopson. The boys were James Brewster, and John, George, and Isaac Iiams, stepsons of Dave Harris. There was also a Mr. Ray. There was a steam sawmill at the mouth of Bray's Bayou; it belonged to Robert

<sup>11</sup>The reminiscences of Mrs. Dilue Harris are based largely upon a journal kept by her father, Dr. P. W. Rose, and may be considered a reliable source of information as to settlers known to her family, who lived at Harrisburg or had their homes near enough to make that town their trading place and social center from April 30, 1833, to April, 1836, when the Mexicans burned the town and the settlements were broken up. See *THE QUARTERLY*, 88-126, 155-172.

<sup>12</sup>Sarah was a stepdaughter of David Harris, he having married the widow of John Iiams, who left three sons and one daughter.

Wilson and W. P. Harris. Mr. Hoffman was engineer." Mr. Mr. Choate is mentioned as living "below the town on Vince's Bayou. He had five daughters. He was the most popular man in Texas." Thomas Earl lived below the town on Buffalo Bayou. He had a wife, two sons and four daughters, all grown. "The Vince brothers, Allen, William, Robert, and Richard, lived at the bridge on Vince's Bayou. Allen Vince was a widower. He had two sons. Their sister, Miss Susan, kept house for them. Mr. Bronson and wife lived at the mouth of Buffalo Bayou." A Mr. Doby is also mentioned as living in this neighborhood.

May, 1834—After mentioning the engagement at Harrisburg of Mr. David Henson, as a school teacher for the settlement, near Oyster Creek, (Stafford's Point), the names of some immigrants who arrived by schooner from New Orleans are given as follows from memory: Clinton Harris, son of John R. Harris, deceased; Mr. Mann, wife, and two stepsons, Flournoy Hunt; and Sam Allen; Mr. Pruitt and two daughters; and Mr. Kokernut and wife, young married people, were among them. "Mr. Kokernut was German, his wife French."

After leaving the Cartwright farm near Harrisburg, Dr. Rose moved his family to Stafford's Point, where under date of January 1, 1834, their "four near neighbors, Messrs. West, Bell, William Neal, and C. C. Dyer," are mentioned, and the statement made that "Neal and Dyer married sisters, the daughters of Mr. Stafford, and there were two brothers, Harvey and Adam Stafford, both grown." There is also mention of the family of Mrs. Roark, widow of Elijah Roark, who was murdered by Indians near San Antonio in 1829, as neighbors at Stafford's Point. The children of these families, besides four young men, Leo and Jackson Roark, Mr. Calders and Harvey Stafford, made up the school. Stafford's Point was about fifteen miles from Harrisburg, where there were stores, a sawmill, a blacksmith's shop, a shoemaker's shop, with other accessories of a town, and thither the settlers usually went to celebrate July 4th, with a barbecue and ball. These occasions drew all together for a big public frolic—Mr. Choate played the violin, and his services were much in demand at Harrisburg. DeWitt Clinton, son of John R. Harris, deceased, had come out with his mother, Mrs. Jane Harris in 1833, and opened a store, and the Indians came here to sell their buffalo, bear, and deer skins,

blankets and beadwork. In the winter of 1835, two or three hundred of them, men, women and children from the Falls of the Brazos (Waco), camped in the neighborhood, and remained until they had sold their wares. At this time, the Kleberg family (Germans) were at Harrisburg, and Mrs. Rosa Kleberg, but recently arrived from Germany, had an experience, which she related to me a few years before her death. The family had rented a house and were moving into it, each carrying a portion of the baggage. Mrs. Kleberg was alone and had just thrown down a big bundle, when a tall half-naked Indian, the first she had ever seen, approached. Seeing a loaf of bread on a table in the middle of the room, he advanced, deposited on the table two big venison hams, which had been slung over his shoulders, picked up the bread, called out "swap!" "swap!" and stalked away. Mrs. Kleberg having retreated behind the table, stood in speechless astonishment, overjoyed that his one-sided bargain had been followed by so speedy a departure.

In April, 1835, the Harris Reminiscences note the arrival of several English families of immigrants, among them the Pages and Adkinses; Mrs. Brown, a Scotchwoman, with a son and daughter, was at Allen Vince's place at the time of the "Runaway Scrape." This event, as its title indicates, created a wide dispersion of former residents in this section; the homes of most of them were destroyed, and not a few of them returned to the United States, or sought homes in other sections of Texas.

The first account of a school in this municipality, although it is highly probably that there had been schools taught before at Harrisburg, is contained in Mrs. Harris's reminiscences. The diary, dated May, 1834, makes mention of the engagement at Harrisburg of David Henson, as a teacher for the settlement near Oyster Creek (Stafford's Point). The school house, built of logs, was located about halfway between the homes of Dr. Rose and Mr. Dyer. It had been previously used as a blacksmith shop, was without windows, had an open doorway, and the floor was of puncheons. The teacher, an Irishman, was capable, but school books were scarce, and the multiplication table inscribed on a pasteboard bandbox belonging to Mrs. Rose, furnished an arithmetic lesson. The school did well until the arrest of D. W. C. Harris of Harrisburg, and Andrew Briscoe at Anahuac in June,

1835, threw the neighborhood into such a state of excitement that it was impossible to continue its session.

It was not until July of the following year that the settlers having returned to their homes (after the battle of San Jacinto), engaged a teacher named Bennet, also an Irishman, to reopen this school, with an attendance of eight pupils, children of the same families; but the four young men were no longer numbered among the pupils. This school lasted only about six months, when the teacher returned to the United States. The country was too much disturbed by rumors of invasion for the establishment of any school at this time.

The first teachers in Houston, according to Mrs. Dilue Harris, who was a pupil, were Mrs. Sawyer, who married a Mr. Lockhart, and Mr. Hambleton, whose school she attended in 1838. A Mrs. Robertson was also a teacher at Houston in the early forties.

## BRITISH CORRESPONDENCE CONCERNING TEXAS

## XII

EDITED BY EPHRAIM DOUGLASS ADAMS

ELLIOT TO JONES<sup>1</sup>

[Enclosure]

Galveston March 22d. 1844

Copy.

Charles Elliot.

The Undersigned etc. etc. etc, has lately had the honor to acquaint Mr Jones that Her Majesty's Government was engaged in continued efforts to induce the Government of Mexico to acknowledge the Independence of Texas, and he has now the gratification to add that renewed communications have taken place between the Government of Her Majesty and that of The King of the French, and that His Majesty has expressed His concurrence in the purposes of The Queen, and has signified His Pleasure to command the French Minister at Mexico, to join his continued friendly assistance to that of Her Majesty's Representative

But advertng to the proposals of the Government of the United States respecting annexation, to the recent Mission of distinguished Citizens of Texas to Washington on the Potomac, and to the impression so general in Texas that Negotiations having that object in view are either in progress, or in contemplation, the Undersigned finds it his duty to express the hope that the Government of Texas will furnish him with explanations on the subject for transmission to Her Majesty's Government. He is sure that they will be made in that spirit of frank and friendly unreserve which has always characterized the intercourse of the two Governments

It must be unnecessary to say that the Undersigned is perfectly aware of the President's personal opinions upon this subject, and he has not failed, agreeably to the President's wish, to communicate to Her Majesty's Government His Majesty's determination to sustain the Independence of this Republic, and His Excellency's

<sup>1</sup>F. O., Texas, Vol. 9. This and the two following letters are calendared in Garrison, *Diplomatic Correspondence of the Republic of Texas*, but as not all have been printed in easily available form, they are reprinted here.

confident hope that the people would uphold him in that course— Indeed referring to the Conferences which the Undersigned had the honor to have with the President and Mr Jones at Galveston during last Autumn, he can suppose that the Mission to Washington of the Gentlemen in question, has been dictated by a wise desire to avoid any cause of offence or irritation to the Government of the United States, and to explain with frankness that the Government of Texas could not entertain the subject at all, even if all other obstacles were removed, after the former rejection of such an arrangement by the Government of the United States, and wholly without reason to know that the Senate of the United States would ratify it now, or in future.

The Congress of Texas, however, has met and separated since the date of the Communications to which the Undersigned has referred, and the President will feel with force that it is just and necessary in the present appearance of circumstances that there should be no room for the least uncertainty on the part of the Governments engaged on the behalf of Texas at Mexico; for it is not to be supposed that they could continue to press the Government of Mexico to settle upon one basis, whilst there was any reason to surmise that Negotiations were either in actual existence, or in contemplation, proposing a combination of a totally different nature. It is manifest on the other hand, that a distinct disavowal on the part of the Government of Texas of any intention to consent to such a Scheme either now, or prospectively, could not fail to strengthen the hands of the Ministers of Their Majesties The Queen, and The King of the French at Mexico.

Confiding in the steadfastness of the people of Texas to the pledges in the fundamental acts of their National existence, Several of the Great Powers have acknowledged the Independence of this Republic, and entered into treaties with it. Whilst that confidence subsists, it may be depended upon that the Government of Her Majesty will never relax in their friendly efforts to induce the Government of Mexico to adjust on the policy so forcibly pressed upon the attention of Her Majesty's Government by the Government of Texas, not adopted without mature deliberation by Her Majesty's Government, and in their judgment equally nec-

cessary for the security of Mexico, and the strength and prosperity of Texas.

Charles Elliot

The Honorable Anson Jones

[Endorsed.] Inclosure No 1 in Captain Elliot's Secret Despatch to the Earl of Aberdeen. Galveston April 7 1844.

JONES TO ELLIOT<sup>2</sup>

[Enclosure]

Copy.

Charles Elliot

Department of State

Washington

March. 25th. 1844.

The Undersigned Secretary of State of The Republic of Texas has the honor to acknowledge the receipt of the Note addressed him on the 22d Instant by Captain Elliot H. B. Majesty's Chargé d' Affaires, informing this Government that Her Majesty was engaged in continued efforts to induce the Government of Mexico to acknowledge the Independence of Texas, that renewed communications have taken place between the Governments of Her Majesty and that of the King of the French, who had expressed His concurrence in the purposes of The Queen, and also requesting explanations on the subject of the recent Mission of Citizens of Texas to Washington on the Potomac, and the Negotiations supposed to be in progress between Texas and the United States in reference to annexation.

The friendly interest which Her Majesty's Government have on this as well as many previous occasions expressed for the Welfare, prosperity, and Independence of Texas has been received by the President with the liveliest satisfaction, and it is due to that friendly interest that the request made by Her Majesty's Representative should be answered with frankness and unreserve.

Early in the present summer and just before the propositions for an armistice were received from General Santa Anna instructions were given to our Ministers abroad to inform the friendly Powers whose good offices had been invoked in settling the difficulties between this Country and Mexico, that unless a satisfactory prospect of such a Settlement soon appeared, Texas would assume a new and entirely different attitude, and abandoning the hope of

<sup>2</sup>F. O., Texas, Vol. 9.

an adjustment of the existing War by their friendly aid, resort to other means for the accomplishment of this object. For a while the hope of the establishment of a satisfactory Armistice was entertained, during which time and while this hope appeared reasonable, this Government omitted any change in its national policy. In this situation matters remained until the recent meeting of the Congress of the Nation, soon after which time it became very apparent the Government of Mexico were indisposed to any amicable settlement upon reasonable and admissible terms. The Texian Prisoners were detained in captivity, contrary to the pledges given by Santa Anna for their release, the friendly relations between Great Britain and Mexico were suddenly interrupted, by which our hopes from that quarter appeared to be disappointed, intelligence from our Commissioners beyond the Rio Grande engaged in conducting the terms of the Armistice was of a very unfavorable character, and the people of this Country tired of uncertainty and delay naturally turned their attention to annexation, the door to which had just been unexpectedly opened, as the most certain remedy for existing evils. Under these circumstances, the Congress of the Nation met and adjourned.

Their acts in relation to the subject have been committed to to the care of the President under the seal of secrecy. Whatever has been done, therefore, in relation to this subject has been in obedience to the requirements of their acts.

The Mission of General Henderson to the City of Washington is immediately concerned with this subject, and should the Government of the United States yield its assent to the assurances which the Representatives of this are required to ask of it, the Government of Texas will view the policy of annexation as the most proper one left it, under all existing circumstances, at the present time, to pursue.

In the earnest hope that this statement and explanation may be entirely satisfactory to Her Majesty's Government, . . .

Anson Jones.

To Captain Charles Elliot,

H. B. M. Chargé d' Affaires.

[Endorsed.] Inclosure No 2 in Captain Elliot's Secret Despatch to the Earl of Aberdeen. Galveston April 7th 1844.

ELLIOT TO JONES<sup>a</sup>

[Enclosure]

Galveston April 3d. 1844.

Copy.

Charles Elliot.

The Undersigned etc. etc. etc. has had the honor to receive Mr Jones's note of the 25th Ultimo in reply to his own of the 22d idem, and he offers his acknowledgments for this statement of the situation of circumstances which shall be transmitted to Her Majesty's Government without delay.

In the mean time, however, he considers it right to remark that he does not believe Her Majesty's Government have formed the same opinion as this Government upon the indisposition of Mexico to any amicable settlement with Texas upon reasonable and admissible terms. Indeed he is disposed to think that Her Majesty's Government had become more sanguine that a different state of feeling was growing up in that quarter, and he considers any recent appearances to the contrary to [be due to] the indisposition of Mexico to the annexation of Texas to the United States. Thus impressed he believes that Mexico would have consented to terms of armistice more acceptable to this Government, if it had not been thought prudent to avoid a truce of convenient duration for the conduct of Negotiations at another point, having in view a combination naturally so ill liked at Mexico, as the Annexation of Texas to the United States.

He will merely further remark of the truce agreed upon between the Commissioners of Texas and Mexico, that if it had conformed with the policy of this Government to avail themselves of that opening, he entertains the opinion that it might have been improved into a convenient duration and form.

Of the detention of the Texian prisoners in Mexico which has been noticed by Mr Jones as another proof of the indisposition of the Government of Mexico to amicable settlement, the Undersigned will freely admit, (speaking for himself) that he thinks the Government of Mexico ought to have released those prisoners. But he is bound to confess, with equal frankness that he has reason to think the Mexican Government will be able to adduce motives for their conduct in this particular, which may account for it, without

<sup>a</sup>F. O., Texas, Vol. 9.

resorting to a general indisposition to adjust with Texas upon peaceful and honorable terms, as the ground of the continued detention of these unhappy men.

The temporary interruption of the Official intercourse between Her Majesty's Chargé d'Affaires at Mexico and that Government is noticed by Mr Jones as another event of a discouraging character. The Undersigned can only say upon that point that He is sure Her Majesty's Government would not have delayed to Communicate their apprehensions to the same effect to the Government of Texas if they had participated in them for a moment.

Weighing all the circumstances of the case as carefully as he can, the Undersigned will take the liberty here to express the belief, that at no period of the interposition of Her Majesty's Government for the settlement of the dispute between Texas and Mexico, could it ever have appeared to them that there were better founded hopes of an early and honorable adjustment than at the moment, when, as Mr Jones observes, the door to Annexation was unexpectedly opened to the people of this Country. The approach in that sense was most probably unexpected in Mexico too, for it came when there was a state of known truce between the parties, when Texian Commissioners respectfully received, were actually in the Mexican territory, and whilst Negotiations, first for an armistice, and then for a peace, were known to be in contemplation, and in point of fact in progress.

The intimation of such a proposal to the Government of Texas by the Government of the United States would of course become known in Mexico about the same time, and made under the state of circumstances then existing it can hardly be a source of surprize that it produced the disturbing effect which has followed.

The Undersigned thinks he should not discharge his duty if he omitted to express the earnest hope that the Government and people of Texas will not make the incalculably heavy sacrifice of their separate National existence under the impression that the prospect of amicable settlement with Mexico has passed away. He believes there is no good ground for such an impression, and he is also of opinion that it is still in the power of the Government of Texas to renew the Negotiations with Mexico upon a hopeful basis by reassuring that Government upon a point on which it is

entitled to expect complete reassurance before friendly Negotiations with Texas are firmly set on foot.

The Undersigned cannot refrain from observing that there is no want of evidence in the press of the United States that very eminent and practised Statesmen in that Country are firmly opposed to the annexation of Texas to that Union, either at all, or at least under any other condition than the consent of Mexico, peacefully obtained. Neither does it seem to be doubtful, judging from the same sources that these opinions are shared by a large part of the people of that Confederacy. The Undersigned trusts that his own sincere desire for the Independence and prosperity of Texas will be the excuse for alluding to these considerations, on which, however, he has no intention to dwell

He will close this note with the renewed declaration of the desire of Her Majesty's Government to be helpful in the adjustment of this dispute upon terms of honor, justice, and advantage both to Texas, and to Mexico, and with the expression of the opinion of Her Majesty's Government, that the preservation of their Independence is the best security of the people of Texas for their ultimate prosperity, both political and commercial.

The health of the Undersigned is still in a very broken condition (so much so that he writes with difficulty) but he will wait at New Orleans or in it's immediate neighbourhood as long as he safely can, and will be happy to receive any Communication which the Government of Texas may do him the honor to forward to him through the channel he has already indicated to Mr Jones.

Charles Elliot.

The Honorable Anson Jones.

[Endorsed.] Inclosure No 3 in Captain Elliot's Secret Despatch to the Earl of Aberdeen. Galveston April 7th 1844.

A LETTER FROM VERA CRUZ IN 1847

CONTRIBUTED BY ROBT. A. LAW

The subjoined letter, hitherto unpublished, requires little comment. It is now in the possession of Mrs. Henry M. Manigault of Summerville, S. C., to whose father-in-law it is addressed. Written in a fine and remarkably clear hand, it is still easily legible, except for two or three words where the fold occurs. In copying it I have taken care not to change spelling or punctuation.

Its author, Arthur Middleton Manigault, born in Charleston, South Carolina, in 1824, became in 1846 first lieutenant of the Charleston company in the Palmetto Regiment, South Carolina Volunteer Infantry. In this capacity he served throughout the Mexican War. In the Confederate Army he was first an inspector general on General Beauregard's staff, then colonel of the Tenth Regiment, South Carolina Infantry, and in 1863 became a brigadier general. He was elected in 1880 adjutant general of his native state, and held that office six years till his death, which was hastened by a wound in the head that he had received in the battle of Franklin. A fuller sketch of his life is to be found in *Appleton's Cyclopaedia of American Biography*.

Camp near Vera Cruz,  
April 9th 1847.

Dear Brother Henry

I was very glad to receive your letter which arrived here about 10 days ago, I would have answered it before, but the next morning we marched off for Alvarado from which place we only returned two days since.

I am glad to hear that you are all well at home & that things are going on smoothly, we occasionally receive a paper here & a Charleston Courier creates a terrible excitement in camp, the possessor must quickly sneak off behind some hill, & there peruse it, or he is very apt to be embroiled in more than one squabble for the possession of it, I am much amused at times with some of the speculations of the editors relative to occurrences among us, which often shoot wide of the mark & in future I will know just how much of the contents of a newspaper can be relied on. Edward I see has obtained a captaincy in one of the new 10 Regts. which I was very glad to hear of. I think that he will be pleased with the life; I am, & he has every advantage not only in rank, but in serv-

ing as a regular instead of Volunteer, which service of all others is least agreeable to the officer, the general impression here is that the war will not last much longer & that it will not be necessary to advance further into the country than Jalappa, at that place we will remain some time in all probability, it is said to be the most agreeable climate in all Mexico, it is usually spoken of by the natives as the Heaven of Mexico Vera Cruz, the hell, Genl Scott if he succeeds in taking that place will there remain until he receives supplies for his army & additional forces, as the time of several of the Volunteers Regts. expires in the course of two months & their place I suppose will be filled up by these new regiments. As I mentioned before, we are at the present moment encamped on the plain to the South of Vera Cruz, within a quarter of a mile of the city, resting after a most severe march to & from Alvarado, which place to our great chagrin, on hearing of our approach yealded, without firing a gun, to a midshipman & four men, who happened to enter the river in the boat, of a small war steamer; he was much surprised as he approached the town to see a boat & white flag, making for him with the Alcaldi, who surrendered to him everything, Genl Quitman was there within 15 miles of the town with 2,000 men, & when the news reached him, the very day he arrived there, he was not a little mortified, it was more than Comodore Perry & himself could bear with, who had entered into an agreement with each other, that they both should make their appearance at the same time & have all the credit to themselves, but they were forestalled by one of inferior rank, & the unfortunate subaltern has been arrested to stand a court martial, some go as far as to say that the despatches had actually been written, but of that I know nothing, we made up for our disappointment as we best could unfurled our banner & marched like heroes through the deserted town, took up our quarters in the different houses, in nearly all of which we found a number of Game Cocks, which in the hurry of their departure they were obliged to leave behind them. I am satisfied they found them not on their return, for the ravenous Volunteers dispatched most of them, We were glad to leave the place two days after, carrying with us a most astonishing number of fleas, with which, this place like most other small Mexican towns are infested, We were marched back in a deuce of a hurry (why we know not), over a most abominable road, the sun as hot as with us in July, & no shade or water, two days & a half was the time, & the consequence was that many of our men were knocked up by it, several of them are now very ill & no possibility of their recovering (I speak of the regiment generally & do not allude alone to our company). Our medical staff is a most inferior one, not fit for the service, they are unaccustomed to hard work, do not like to soil their hands, but perfer being either in

Vera Cruz, or at some other business more agreeable, it makes me vexed when I think of them, for I really think that some have died thro neglect, they are literally not worth a d m. poor Dickson, son of Dr. Dickson, was buried this morning, he was afflicted with the disease so prevalent among soldiers, we left him with other sick when we left for Alvarado in charge of one of the surgeons, in a convalescent state, the morning after our return, we heard of his death & on questioning the surgeon he did not even know of his sickness until 12 hours before he died. Since our Landing in Mexico, we have been leading a sort of savage life, being without tents & little to eat, I had one of those large blankets given me by Mama, & I have found it most comfortable, place yourself on the edge of it; spread out on the ground, hold on to it & take three good rolls over & over & you are fixed off for the night, covered from head to foot & neither dew or rain can wet you, you may however wake up in the morning & find yourself covered over with sand, should a norther happen to spring up, which happens frequently.

Vera Cruz looks very differently now from what it did when we first entered it, the streets there were strewed with rubbish, fragments of shell, cannon balls, & filth in some parts of the city there was a most intolerable stench from the dead bodies which had remained for days exposed, there being no place to bury them or not having time, now however everything has a more cleanly & busy appearance and inhabitants that left before the bombardment have mostly all returned & have opened their shops, there are one or two very fair hotels, on the Plaza, where you see crowds of officers all day long, lounging about, most of the Generals have their quarters in the City, & may be easily distinguished, by the crowd about the door, Aid de Camps, gathering in every direction, squadrons of dragons pattrolling the street, it has a fine appearance, & I have sat for hours in the piazza of the hotel, observing what was going on, General Worth is now Governor of the city, & has all the idle Mexicans employed in cleaning the streets etc. the city has been in our hands only 20 days & there is an American Theater open, a newspaper daguerreotype taker, & several coffee houses kept by Americans, I was at the Theatre last night & upon the whole the performance was very tolerable, their Theater surprised me on entering it, it is one much larger than, the one in Charleston, in the interior but little inferior, & the front upon the street is one of the handsomest that I have ever seen, The old & antique appearance of the city makes it very interesting, the houses all of stone or brick, little or no wood about them, their floors are all paved, & roofs covered with tiles, there are some very handsome & chaste buildings & in good repair, but in general they have an old appearance & much worn by time. Our shell & shot made

great havoc amongst the houses, scarce one that does not show some bullet hole or other damage, some parts of the city can never be built up again, & fortunately it is in rather an inferior part of the town, principally in and about the fortifications, which deserved most to suffer.

I have been twice to the castle & been each time much pleased, I saw Quebec once, & tho of a very different character from this fortification, it cannot compare in immenseness with this place, it is so intricate & so large that altho I have twice been there & observed it narrowly with a view of putting it down on paper, I found it impossible to do so & could not retain it with any degree of correctness in my mind, when next I go there I will carry a pencil and paper in my pocket.

We are now leading a very lazy life & our time is at our own disposal to which you are indebted for this long letter, which you will no doubt be tired of reading before arriving at the end, I wrote Mama a long letter some days ago, informing her that I was safe, as she must have been uneasy about me, I am much obliged to you for wishing me all honour & glory but as for the flesh wounds in the legs I would much rather be without them, whatever the consequences may be, I hope you will answer this & let me know what is going on. Give my love to Mama, to Sister Susan, Brother [Pe]ter & the whole family.

Your afft Brother,

A. M. MANIGAULT.

## BOOK REVIEWS AND NOTICES

*Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780.* Documents Published for the First Time, from the Original Spanish and French Manuscripts, chiefly in the Archives of Mexico and Spain; Translated into English; Edited and Annotated. By Herbert Eugene Bolton, Ph. D., Professor of American History in the University of California. Two volumes. (Cleveland: The Arthur H. Clark Company. 1914. Pp. 351, 392. \$10 net.)<sup>1</sup>

These volumes may be regarded as part of the first fruits of the *Carnegie Guides* to foreign archives. Except for a few documents in the Bancroft Library of the University of California, the Bexar archives of the University of Texas, and the Archives du Ministère des Colonies at Paris, the material was all unearthed by Professor Bolton's work in the Mexican archives and the similar labor of Mr. Hill in Spain. Covering less than a dozen years immediately following the transfer of Louisiana to Spain, they present in minute detail a picture of actual government on that interesting frontier where French and Spanish influence had struggled for supremacy since the beginning of the eighteenth century, and where the French were now eliminated only to be succeeded by the still more aggressive English. The activity and the comprehensiveness of the administration will be a surprise to those who are accustomed to the common estimate of Spain's 'stupid and slothful' colonial system.

The purpose of the work is thus stated by the compiler: "The history of the French and Spanish régimes in Texas and Louisiana is to a large extent the history of an Indian policy, in its various aspects; and for light on the Indian affairs of what are now Texas, western Louisiana, Arkansas, and Oklahoma during the period between 1768 and 1780, and on the problems of Indian control in that period, as well as on the establishment of Spanish rule in western Louisiana, there is perhaps no other single group

<sup>1</sup>This review appears also in the *Mississippi Valley Historical Review* for September, 1914.

of documents in existence so important as the correspondence and reports of De Mézières here published."

Athanase de Mézières was an educated Parisian, of noble connections, who spent the most of his life at Natchitoches, as soldier, trader, and planter. At the close of the French régime he was lieutenant-commander of the post, and with its transfer to Spain he seems to have risen at once to the position of commander, which he held, with short leaves of absence, until his death in 1779. There are two hundred and fifty-two documents in the collection, written by, to, or concerning De Mézières. A very few are personal; the others reveal in great detail the various phases of Spain's frontier government. The documents are grouped around ten topics, which take their titles in general from De Mézières's plans and activities, but since these developed chronologically, the arrangement of the whole series is, with a few exceptions, chronological. The title of the sixth group, "Frontier Problems," would apply equally well to the whole book—the problems being to win and hold the allegiance of the frontier tribes to Spain; to expel unlicensed traders and vagabonds from among them; to prevent the encroachment of the Anglo-American traders; to check the perennial ravages of the Apache and the intermittent hostility of the Comanche; and to maintain and develop the germ of civilization in the crude wilderness settlements.

As an historical source Professor Bolton has skimmed the cream of the collection for his introduction. A map, based on these and other documents, shows the location of the principal Texan tribes at the close of the eighteenth century, and a concise discussion explains inter-tribal relations and administrative difficulties.

In the vexing task of opposing French advance from the east the Spanish officials in Texas were only partially successful; for French influence was firmly established over the Caddo, Wichita, and Tonkawan tribes of the Red River and upper Brazos and Colorado valleys, and Professor Bolton says that a line extended westward through Natchitoches and Adaes would define pretty accurately the actual boundary of French and Spanish control—which inclines one to judge with greater leniency the sincerity of those stubborn Americans who later contended that the Louisiana Purchase included Texas. Another interesting fact disclosed by

the documents, and brought out by the introduction, is the early advance of the Anglo-American trading frontier into upper Louisiana and Texas. As early as 1772 British guns were reaching the Apache through the Osage of the Arkansas and the Bidai and Orkokisa of the lower Trinity; and the exclusion of the English (Americans) became an increasingly difficult problem as time went on. De Mézières vents his exasperation at the expansion of the English colonies, "most of them the product of their notorious usurpations," in terms that sound strangely familiar in the mouths of Mier y Teran, Tornel, and Alaman two generations later.

Professor Bolton's profound knowledge of the manuscript bibliography of the Spanish Southwest is manifest in the many annotations which illuminate the documents. For a time the reader may be inclined to be querulous, in the belief that he is left without assistance in identifying the numerous Indian tribes which appear in various disguises of French and Spanish orthography, but eventually he discovers that all are listed with their synonyms in the index. Since, however, one needs must discover some points in which the editorial work could be improved, the reviewer submits two: (1) Doesn't the use of "*op. cit.*" interpose an unnecessary obstacle to the pursuit of bibliographical knowledge when it entails a search through twelve pages to see which of an author's various articles is being cited? (See, for example, II, 124, note 153; there are a number of such instances.) And (2), since there are frequent references to documents by number, rather than by page, would it not be a convenience to find at the top of each page the number and year-date of the document running thereon, instead of the relatively useless "Vol. one" and "Vol. two" that one does find?

De Mézières's letters are well written, and aside from their historical and ethnological interest, unfold an attractive and forceful personality which would repay the study of an ambitious historical novelist.

EUGENE C. BARKER.

*The Beginnings of Spanish Settlement in the El Paso District.*

By Anne E. Hughes (University of California Publications in History, Volume I, No. 3. Pp. 295-392. Berkeley, 1914.)

The author of this monograph begins her study by summarizing, principally from secondary sources, the northward expansion of the Spaniards into New Mexico and Nueva Vizcaya. This summary is the clearest and best statement of the movement which has been made. The body of the work consists of seven chapters. In Chapter II is told the story of the founding, before 1680, of the early missions and the civil settlement at El Paso. Chapter III treats of the impetus given these settlements by the coming of the refugees from New Mexico after the Pueblo revolt of 1680, and of the distribution of these refugees along the Rio Grande. Chapter IV tells of the permanency given the new settlements at El Paso, after the first attempt at reconquest, by the establishment of the presidio there, and of the reorganization of the settlements in 1683. Chapter V relates the story of the extensive revolt of the Mansos Indians and their neighbors, whose unrest dated from 1680 and whose revolt was not quelled until 1685. Chapter VI treats of the removal of the presidio and settlements, and of their consolidation in the vicinity of El Paso in 1684; Chapter VII, of the dissatisfaction among the settlers caused by the change, of the efforts made to abandon El Paso, and of aid from the superior government which insured the permanency of the settlement; Chapter VIII, of the quarrel between New Mexico and Nueva Vizcaya over the jurisdiction of the El Paso district, and of the final decision in favor of New Mexico. Chapter IX gives a short but comprehensive summary of the entire paper.

As a background for later seventeenth and for eighteenth century history of New Mexico and Texas in particular, and in general for the history of the whole southwest during that period, this monograph is a notable contribution. Different readers will receive from the story widely divergent impressions. The layman will doubtless be surprised at the apparent minuteness of detail and the large amount of new material brought together within its pages. On the other hand, the scholar, familiar in a general sense with the history of the period covered by Miss Hughes, will

be impressed by the excellent way in which she has summarized and generalized from so large a mass of original sources. All will be impressed with the clearness of style and breadth of view displayed in the work.

From the standpoint of the specialist Miss Hughes's monograph, covering as it does a period of some twenty-five years, must be considered as a general and not as a specialized contribution. This does not detract from its worth, but, on the contrary, adds to its value by establishing its place in a larger field. This will be apparent to all when it is realized that in the preparation of the paper the author critically examined the equivalent of several thousand typewritten pages of original manuscript sources, the larger part of which had never before been used by historians. That the writer should have carried the thread of her narrative through this mass of material, and not been swerved from her main course by any one of a dozen or more important incidents of striking and historically dramatic interest, attests her ability as an historian.

In a study of this kind, covering so broad a field in so few pages and filling such a gap in the history of the period, it is not surprising that there are some errors in detail. In the introductory chapter the author is wrong in stating that "the natives organized a widespread revolt which included the Indians of the entire province." The Piros Indians were not invited to take part in the revolt, and they and the natives of the Tigua pueblo of Isleta did not participate in the atrocities of August, 1680. The author rightly states (page 316) that by October 9, 1680, a *plaza de armas* had been established at La Toma, and that by December 20 of that year three camps, including that of San Lorenzo, had been established at a distance of two leagues from each other. It seems quite essential, however, to state that La Toma was about twelve leagues below Nuestra Señora de Guadalupe del Paso and that soon after reaching La Toma, in October, 1680, the name of Guadalupe was at first given to the camp there, which was later renamed San Lorenzo. This oversight doubtless accounts for the writer's falling into error further along on page 320, by stating that Estero Largo was forty leagues above El Paso. Estero Largo is mentioned in the sources as being forty

leagues above San Lorenzo, and therefore only about twenty-eight leagues above El Paso. On page 322 Miss Hughes gives an account of a reconnaissance of the Rio Grande valley near El Paso which she says Governor Otermín made in 1682 for the purpose of locating the Spaniards and Indian allies, and that he found no place as suitable for settlement as San Lorenzo, which was located about twelve leagues below El Paso. It is quite clear from the sources cited by Miss Hughes, however, that the reconnaissance made by Governor Otermín mentioned in the above passage was made prior to the establishment of the *plaza de armas* at La Toma on October 9, 1680, and not in 1682. Logically the account mentioned fits into the text on page 316. Note 22 on page 323 should read "Auto of Cruzate" and not "Auto of Otermín." The author attributes to Otermín (page 334) the statement that "it was rumored in the conversion of Guadalupe that the Sonora Indians were restless, and that the Mansos and Sumas were not secure from their influence." This statement, however, was not made by Otermín neither did he write this to the viceroy at this time. It was made by the *maestre de campo* Francisco Gomez Robledo in expressing his views in the *junta de guerra* of October 2, 1680. As such it was incorporated in the official report of the proceedings, the whole of which was attested by Governor Otermín.

It will be evident to all competent scholars in this field of history that Miss Hughes has brought together from original sources a vast amount of new information concerning an epoch of vital importance to the history of the southwest. In spite of a few minor errors of detail Miss Hughes's monograph will maintain its place as an original and valuable contribution.

CHARLES W. HACKETT.

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In an interesting article which he published in the *Austin American* of July 19 Professor Herbert E. Bolton sets forever at rest the uncertainty which has existed concerning the site of La Salle's settlement in Texas. The settlement was on the Garcitas River, about five miles from its mouth, on land which is now a part of the ranch of Mr. Claude Keeran. In locating the site Professor Bolton was guided by a map drawn in 1690 by

Manuel Joseph de Cardenas who accompanied one of the expeditions sent by sea to search for the French. Historians have formerly been inclined to locate the settlement further east, on the Lavaca River. Incidentally Dr. Bolton shows the place of La Salle's murder to have been near the present town of Navasota, instead of on the Trinity or Neches River.

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A report of the Conference of American Teachers of International Law held at Washington, D. C., April 23-25, 1914, has just been published by the American Society of International Law (Byron S. Adams, printer, pp. ix, 83). The purpose of the conference was to improve and extend the teaching of international law in colleges, universities and law schools. It was held in connection with the annual meeting of the American Society of International Law upon the invitation of Senator Root as president of the Society. Forty-two of the leading colleges and universities sent delegates, most of them being teachers of international law. The University of Texas was represented by Professor William R. Manning, who read a paper at the annual meeting of the Society.

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The *Houston Post* of July 26, 1914, publishes an illustrated article by Miss Katie Daffan describing and giving a brief historical sketch of the various Confederate monuments which have been erected in Texas.

## NEWS ITEMS

Dr. Chas. W. Ramsdell, Adjunct Professor of American History in the University of Texas, has been granted leave of absence for the fall term. He will investigate certain phases of the history of the Confederacy, using chiefly the collections of material at Washington.

Mr. E. I. McCormac, Assistant Professor of American History in the University of California, has a leave of absence for the first semester, which he will spend in Washington, gathering material for a life of President Polk.

Mrs. Novaline A. Lockhart died at Corsicana on May 31, 1914. Her father, Judge Shelby Corzine [Crozzine], settled near San Augustine in 1835, when she was five years of age; and his family was one of the numerous participants in the "Runaway Scrape" of the next year. She was educated at the old "San Augustine University," was married in 1846, and had lived in Navarro county since 1854.

Mrs. M. Bowie Burns, a niece of James Bowie, died June 22, 1914, at Fort Smith, Arkansas, and was buried at Dallas, where she had lived for many years. Mrs. Burns was 78 years of age.

A. M. Kennedy, for many years a member of the Legislature and one of the best known public men in Texas, died at his home at Kerrville July 19, 1914.

The State Library has recently acquired files of *The Harrison Flag*, published at Marshall, Texas, covering the period from July 10, 1858, to January 12, 1861, when the paper suspended, and from November 15, 1865, to October 14, 1869; also a file of the *Southern Mercury*, Dallas, from January 3, 1895, to April 17, 1902.

A monument to the memory of those Confederate soldiers who served under Captain Giesecke, of the Fourth Texas Cavalry, was unveiled at Shelby, Texas, August 30, 1914.

The Texas Division of United Daughters of the Confederacy has adopted the following resolutions of appreciation for Major

George W. Littlefield's gift of \$25,000 to the University of Texas for the collection of material on Southern history:

"Having learned that Major George W. Littlefield, of Austin, has given \$25,000 to the University of Texas to be used in producing a correct history of the United States, in which may be learned the South's part in the building of our Nation, and from which posterity shall be taught the indisputable truth regarding the secession of the southern states from the Union and subsequent facts relating thereto with refutation of false allegations and prejudicial misstatements; be it

*"Resolved,* That the Texas Division, United Daughters of the Confederacy, appreciates highly the wisdom, generosity, and patriotism of Major Littlefield, reveres the cause to which his benefaction shall be devoted, and does most earnestly commend Major Littlefield's action for the emulation of others who would do the Southland invaluable service which will rectify misapprehensions detrimental to the honor of the South and to the accuracy of historical record; be it

*"Resolved,* That the Texas Division, U. D. C., will use its utmost endeavors to the end that Major Littlefield's gift may elicit satisfactory information and secure results commensurate with the lofty standards, traditions and principles for which our fathers fought and for which our mothers endured the horrors of a war whose survivors bore the consequences with a courage and recuperative energy unequalled in the annals of protests and readjustments; be it

*"Resolved,* That each member of this organization who realizes the value of Major Littlefield's initiative, and who comprehends the imperative need of setting aright and keeping straight the story of our heroic defenders, shall consider it her personal duty and privilege to collect for reference and preservation statements and descriptions of facts, conditions, experiences, episodes, incidents, and all such authentic data as may throw light upon any phase of Southern history from the beginning of the Republic to the present day, especially that which relates to happenings within the past sixty years in which we have been weighed in the balance and have proven ourselves worthy of our ancestry; be it further

*"Resolved,* That these resolutions shall be read in the Annual Convention of this Division and recorded in the minutes; that

copies be sent to the State University, *The Confederate Veteran*, the daily press of Texas, and to Major Littlefield with a personal letter of grateful appreciation.

"LOUELLA STYLES VINCENT, Dallas,

"MRS. CORINNE NUNN CORRY, Crockett,

"MRS. A. C. JOHNSON, Corsicana,

"MRS. G. I. GOODWIN, Brownwood,

"Committee on Resolutions, Texas Division, U. D. C."

Mrs. Lipscomb-Norvell, Chairman of the Texas Old Trails Committee, Daughters of the American Revolution, asks the assistance of all members of the Texas State Historical Association in marking the course of the Camino Real or Old San Antonio Road across Texas. Service can be rendered in two ways,—by financial contributions, and by historical research to determine the exact route of the trail. In a letter to the President of the Association, Mrs. Lipscomb-Norvell says:

"It is the desire to erect a chain of monuments across the state, which the early argonauts and trappers and explorers traveled toward the setting sun, and which will not only point the way, but give you the history in detail for which the trail was noted: the places of battle, the well known stage stations, the scenes of massacres by savages, the forts and noted crossings of the rivers, and known graves of the dead that lie along the way, and the boundary of the Empresario grants when the land was first opened up to colonization. These and many others to be chronicled in stone, commemorating the brave deeds of those bold pioneers who pushed out from the beaten paths of civilization into the untrodden paths of the wilderness and braved the unknown in all of its impending danger.

"We are calling upon those who have any tie of blood, or association with Texas history or its people to assist by any contribution that their judgment may deem best. We are giving every true Texan an opportunity to show his patriotism, by lending a hand.

"We have a fund of \$1500 and hope to have as much again by the November conference of the Daughters of the American Revolution. Mr. Robison of the land office has kindly sent us maps showing the old San Antonio road, and from these maps

and the resources I have for studying the Camino Real, I find it is one and the same from the Sabine river to the Brazos river. But I have never found a record of the Camino Real from the Brazos river to New Braunfels. It is like the quest of Sir Galahad, the bridges all seem to have taken fire and vanished.

"Doctor Bolton has in the past published a map of the Camino Real in eastern Texas showing its windings from the Sabine river to the Trinity river. The late Judge Terrell, of Austin, I find makes mention of the old road having changed its course through the Colorado valley in the last century.

"To make permanent our work for all time, and that it may be under the jurisdiction of the State, the Daughters of the American Revolution will again ask the State of Texas to make the survey and appropriation to finish the work. A commission should be appointed, comprising the State Surveyor, President and Secretary of the Texas State Historical Association, with Regent and Vice Regent and Chairman of the Texas Trails Road Committee, D. A. R., to carry out the project. Prices submitted for regulation markers of granite, 5 ft. high by 2½ ft. wide, enscribed, is \$28.00."



# THE SOUTHWESTERN HISTORICAL QUARTERLY

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## THE EARLY SENTIMENT FOR THE ANNEXATION OF CALIFORNIA: AN ACCOUNT OF THE GROWTH OF AMERICAN INTEREST IN CALI- FORNIA, 1835-1846

### III

ROBERT GLASS CLELAND

### CHAPTER V

#### RUMORED EUROPEAN AGGRESSION IN CALIFORNIA; EFFECT UPON AMERICAN POLICY OF ANNEXATION

The reported designs of England and France to secure control of California before its annexation by the United States have led, first and last, to a vast amount of surmise and historically unprofitable speculation. So far as France is concerned, the actual purposes and plans of the government (if indeed they existed) remain still unknown. But within the last few years an examination of the British Public Record Office has cleared the subject of English aggression of most of its mystery.<sup>1</sup>

This investigation has shown that while, indeed, the British government, as such, had no intentions of acquiring California

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<sup>1</sup>This is due to the efforts of Professor Ephraim D. Adams of Leland Stanford Jr. University. The results of this investigation as published in his *British Interests and Activities in Texas* have already received some notice.

and in fact manifested comparatively little interest in its affairs, yet English officials in Mexico, California, and on board Her Majesty's vessels of the Pacific, on the contrary, were exceedingly anxious to place the province under English control; or, if that could not be, to thwart the ambitions of the United States.<sup>2</sup>

The activities of these British representatives and the occasional rumor of French intrigue naturally aroused no little concern throughout this country and created a genuine alarm lest one or the other power should endeavor to forestall our own plans regarding the province. The purpose of this chapter is, therefore, to examine, not the actual designs of France or England, but the effect of reports and rumors regarding these designs upon the government and people of the United States.

The earliest fears of English aggression seem to have arisen shortly after the publication of the history of California by Alexander Forbes in 1839. The book was intended not so much to convey historical information as to encourage the colonization of California by British subjects; and contained a plan, worked out in some detail, by which a cession of that territory might be made by Mexico in payment of her debt of \$50,000,000 to English bondholders. A company, composed of these creditors, was to be formed, and to it were to be given many of the same prerogatives of territorial sovereignty as those enjoyed by the British East India Company.<sup>3</sup>

Forbes's publication had a wide circulation, and,<sup>4</sup> as its whole tone was frankly a plea for English domination in California, aroused considerable comment throughout this country. It was said that negotiations, such as Forbes had suggested, were already

<sup>2</sup>Adams, *British Interests*, 234-264.

<sup>3</sup>Forbes, 153 (the eighth chapter was entitled "Upper California as a field for foreign colonization"). The author's brother wrote a preface for the book and, while declining to comment upon the plan of colonization, said it was one worthy the attention of the English bondholders and also of the government. The appendix contained articles on the harbor of California, steam navigation on the Pacific, and a prospectus of the "Pacific Steam Navigation Company." Forbes also laid great emphasis on the importance of constructing an Isthmian Canal under European control.

<sup>4</sup>See a review upon this work in the *Literature of American History*, Ed. for the American Library Association (Boston. Houghton, Mifflin & Co. 1902).

in progress, and that England was taking this method of shutting the United States away from the Pacific and confining her domain to the country east of the Rocky Mountains—thus giving over to British control a monopoly of the East India and China trade.<sup>5</sup>

With the beginning of Tyler's administration the fear of English encroachments had become very real. Owing to the strained relations over the Texas, Oregon, and northeastern boundary questions, the faintest rumor of an attempt on the part of Great Britain to gain a foothold in California was sufficient not merely to excite the press of the country but to penetrate even into official circles.

*Seizure of Monterey.*—In 1842 came the seizure of Monterey by Commodore Jones, who gave as the compelling motive of his action that both he and other high officers of his fleet wished to preserve California from falling into the hands of "our great commercial rival," England. "The Creole affair," he wrote,

the question of the right of search, the mission of Lord Ashburton . . . the well founded rumor of a cession of the Californias, and lastly the secret movements of the English naval force in this quarter . . . have all occurred since the date of your last despatch. Consequently I am without instructions . . . upon what I consider a vital question to the United States . . . the occupation of California by Great Britain under a secret treaty with Mexico.<sup>6</sup>

*Warnings of Waddy Thompson.*—But Jones was not the only one in government employ who looked askance at England's motives. From Mexico City, Waddy Thompson was urging in his despatches to Tyler and Webster British aggression as an important reason for the acquisition of California by the United States. In the first of these he said:

France and England both have [had] their eyes upon it [California]; the latter has yet.—She has already control of the Sandwich Islands, of the Society Islands, New Zealand, etc., etc., and through the agency of that Embryo East India Monopoly, the Hudson Bay Co. she will ere long have a monopoly of the com-

<sup>5</sup>*Niles' Register*, LVIII, 2; *Ibid.*, 70 (quotations from the *New York American*, *New York Express*, *Baltimore American*, and the *New Orleans papers*). See also Bancroft, XXI, 110-112.

<sup>6</sup>Jones to Upshur, *H. Ex. Docs.*, 27 Cong., 3 sess., No. 116.

merce of the Pacific, and not an American flag will fly on its Coasts.<sup>7</sup>

Webster, however, appeared to treat this communication as of little moment, writing Thompson on June 27th that he thought England had no present designs upon California or even any objection to its acquisition by the United States.<sup>8</sup> But such an assurance was not sufficient for Thompson. In reply he wrote,

I have information upon which I can rely that an agent of this government is now in England negotiating for the sale, or what is precisely the same thing, the mortgage of Upper California for the loan of fifteen millions. In my first despatch, I glanced at the advantages which would result to our country from the acquisition. Great as those advantages would be, they sink in comparison with the evils to our commerce and other interests, even more important, from a cession of that country to England.<sup>9</sup>

Even this seems to have caused Webster no alarm; while with word of the seizure of Monterey, the subject disappears for the time from Thompson's correspondence. In January, however, he began again his refrain of warning, perhaps exaggerating his own fears to arouse the secretary of state whom he considered entirely too indifferent to the danger. After speaking of his earlier despatches upon England's purpose, and expressing some resentment that they had been treated so lightly, Thompson went on:

I know that England has designs on California and has actually made a treaty with Mexico securing to British creditors the right to lands there in payment of their debts and that England will

<sup>7</sup>Thompson to Webster, April 29, 1842. MS., State Department. The H. B. C. had but recently established a permanent post in California when Thompson wrote this. The governor of the company, Sir George Simpson, had left the country on Jan. 27, less than two months before Thompson's despatch, and had sent a long communication, designed for the British government, urging the importance and ease of securing California. Simpson to Sir John H. Pelly, Honolulu, March 10, 1842, in *American Historical Review*, XIV, 86-93, *passim*.

<sup>8</sup>Webster to Thompson, in *Writings and Speeches of Daniel Webster* (National Edition. 1903), XIV, 612. Webster had derived his information from Ashburton. Ashburton to Webster, April 28, 1842. *Ibid.*, 192.

<sup>9</sup>Thompson to Webster, July 30, 1842. MS., State Department. The remainder of the letter was filled with a report of English assistance to Mexico against Texas, and a statement of the close alliance between the two nations.

interpose this treaty in the way of a cession of California and that in ten years she will own the country.<sup>10</sup>

To all of this, however, Webster had the assurance of Everett and Ashburton regarding the tripartite agreement as sufficient answer.<sup>11</sup> But the country at large did not possess such reassuring evidence. So general became the feeling that Mexico had entered into such a treaty with England that the president was called upon by unanimous consent of the house to furnish any information in his possession as to the truth of the report.<sup>12</sup> To this he replied that the administration had no knowledge that confirmed the rumored negotiations.<sup>13</sup>

Perhaps rebuffed by the reception of his information, Thompson had little more to say regarding England and California for some months; when, as we have seen, his views underwent a complete change and for the moment he hoped that an English-Mexican war might throw the province into the lap of the United States.<sup>14</sup> Following Thompson's resignation as minister, Benjamin E. Green, Shannon, and Duff Green, from time to time issued similar warnings to those Webster had received, and of which we have just spoken.

*English mortgage.*—Mexico, cultivating friendly relations with England,<sup>15</sup> was said to have mortgaged California to that country for \$26,000,000. The pledge expired in 1847 and, unless paid before that time, would result in the transfer of the country to Great Britain, whose control in this way would be extended not only over the whole of California, but eventually over Oregon as well.<sup>16</sup> Donelson, on his special mission to Texas, was sufficiently

<sup>10</sup>Thompson to Webster, Jan. 30, 1843. Webster MSS., Library of Congress. For any actual foundation for this despatch, see Adams, *British Interests*, etc., 237-240. Thompson still held his opinion in 1846. *Recollections*, 235.

<sup>11</sup>THE QUARTERLY, XVIII, 32-34. Tyler's biographer, however, gives as chief reason for the president's desire to bring about this tripartite agreement the report of the English mortgage. Tyler's *Tyler*, II, 260.

<sup>12</sup>*Niles' Register*, LXIII, 366.

<sup>13</sup>*Ibid.*, 384.

<sup>14</sup>THE QUARTERLY, XVIII, 34-35.

<sup>15</sup>B. E. Green to Secretary of State, April 8, 1844. MS., State Department.

<sup>16</sup>Duff Green to Calhoun, Oct. 28th. Calhoun *Correspondence*, 979. Green added that the British consul general in Mexico was agent for the English company, and advised the State Department to secure a copy of

interested in this report to inquire directly of Elliot as to its truth; but learned nothing of a satisfactory nature, and came to the conclusion that it rested on insufficient evidence.<sup>17</sup>

*The Hudson's Bay Company.*—Larkin, meanwhile, from California, had been doing his part by calling attention to the rapid encroachments of the Hudson's Bay Company, whose employees were trapping, cultivating land, building mills and establishing themselves in various ways in that country and also in Oregon. The San Francisco agent had asked for extensive grants of land upon which to settle colonists and had no intention of quitting the province when game became scarce.<sup>18</sup> These statements, sufficiently grave in themselves, received further emphasis from a letter of Henry A. Pierce, of Boston, read on the floor of the house about this time.<sup>19</sup>

*Report of Santa Anna's dealings with England.*—But even more disquieting reports came from Shannon. Santa Anna had been captured but a few days before by the forces of the opposition, and important documents were found on his person. Certain of these had been published by the new administration to discredit him with the people, and the rest laid before the Mexican Congress in secret session. "From a portion of this correspondence," concluded Shannon's despatch,

the fact has been disclosed that a negotiation was going on between President Santa Anna and the English Minister for the sale and purchase of the two Californias—That portion of the correspondence relating to this subject has not been published in the papers, but it has been laid before Congress in secret session and the pendency of such a negotiation may be relied upon as true—The English Minister has no doubt in this matter acted under instructions from his government; it may therefore be assumed that it is the settled policy of the English government to acquire the

the mortgage deed either through the Mexican or London legations. It could be had for \$1500 or \$2000 in Mexico. It should be remembered that Green was Calhoun's confidential agent.

<sup>17</sup>A. J. Donelson to Calhoun, Jan. 30, 1845. *Ibid.*, 1024.

<sup>18</sup>Larkin to Calhoun, June 20, 1844. MS., State Department; same to same, June 24th, and August 18th. *Official Correspondence*, Pt. II, No. 9. Larkin added he had seen a report in the paper that England might purchase California. For the reply to these despatches see Crallé to Larkin, Oct. 25. Larkin MSS., II, No. 233.

<sup>19</sup>*Ap. Cong. Globe*, 28 Cong., 1 sess., p. 226.

two Californias. You are aware that the English creditors have now a mortgage on them for twenty-six millions.<sup>20</sup>

For the present, however, Shannon thought the designs of England had received a set back in the overthrow of Santa Anna; and as the new administration were making political capital out of the disclosures regarding California, they would not themselves dare favor a measure similar to that of their discredited opponent. The report of Santa Anna's secret dealings received considerable publicity, both in this country and in Europe;<sup>21</sup> but exactly what foundation there was in fact for the rumor is not clear. It was about this time that Forbes, the British vice-consul at Monterey, was submitting his suggestion for an English protectorate through Barron;<sup>22</sup> and it may have been that some correspondence passed between the British representatives in Mexico and Santa Anna.

*Polk's suspicions.*—It was with such reports, as have already been cited, from Thompson, Green, Larkin and Shannon in the official files of the state department, and with even wilder rumors in the air, that Polk came to the President's office. Every outside influence, moreover, tended to make the new executive suspicious of England's policy. The unsettled Oregon boundary; the mutual spirit of animosity shown by the press of the two countries;<sup>23</sup> the whole western attitude and his schooling at the hands of Andrew Jackson; above all, the course of Great Britain with regard to Texas;<sup>24</sup> prepared him to accept the stories of English designs upon California with little hesitation.

<sup>20</sup>Shannon to Calhoun. MS., State Department.

<sup>21</sup>Raymond (Texas Legation at Washington) to Allen, Feb. 21, 1845. Garrison, *Tex. Dip. Cor.*, II, 364, in *Am. His. Ass'n Report*, 1908, II. See also extract from *Paris Presse* asserting that in the capture of Santa Anna had been revealed "one of the vastest projects which the undermining ambition of Great Britain ever conceived," in attempting to secure California. *Charleston Mercury*, March 10, 1845. The article was copied in the London papers without comment and denied in Parliament by both Peel and Palmerston. *Ibid.*, April 7th and 24th.

<sup>22</sup>For Forbes's plan and Aberdeen's reply see Adams, *British Interests*, 242-250.

<sup>23</sup>Buchanan, in a speech on the Oregon question, March 12, 1844, said that the whole press of England, irrespective of class or party, had teemed with abuse of all things American for two years, until the mind of the British public was thoroughly inflamed against the United States. *Ap. Cong. Globe*, 28 Cong., 1 sess., p. 350.

<sup>24</sup>For Polk's fear of English influence in Texas see his private correspondence as follows: Yell to Polk, March 28, 1845; same to same, May

*McNamarra project.*—Fresh reports, also, soon strengthened this belief. On May 13, the confidential agent, Wm. S. Parrott, wrote that the British fleet in the Pacific had been reenforced for the rumored purpose of taking and holding California in case of war between Mexico and the United States, using as an excuse for the action, the protection of English citizens in their mortgage claims on that province.<sup>25</sup> Later, Parrott said that the force bound from Mexico to California, to subdue the insurrection against Micheltorena, was to be commanded by an officer educated in France; and that the influence of this commander in California, according to reliable information, was to be used to the advantage of that nation by the French legation in Mexico. At any rate, said Parrott, "he certainly takes with him a large number of Frenchmen for some reason or other."<sup>26</sup>

A few days afterward, however, the American agent had occasion to change his Frenchmen into Irishmen, writing that the expedition had been delayed for lack of funds; while with it, "a young Irish Priest by the name of McNamarrah" was preparing to leave for California for the purpose of introducing Irish immigrants.<sup>27</sup> In this, it should be remarked, Parrott was not building wholly on his imagination.<sup>28</sup>

*Larkin's despatch of July 10th.*—In the fall, more emphatic despatches reached the state department. On October 11, Buchanan received a communication from Parrott which said that the least news coming from California excited great interest in English

5th; Donelson to Polk, March 19th; Wickliffe to Polk, June 3, 4. Polk MSS.; Polk to Jackson, April 27th. Jackson MSS.

<sup>25</sup>Parrott to Buchanan, May 13, 1845. MS., State Department. Also for report that England was creating an unfriendly attitude in Mexico against the United States, see Shannon to Calhoun, March 27th. *Ibid.*

<sup>26</sup>Parrott to Buchanan, Aug. 5, 1845. MS., State Department.

<sup>27</sup>Same to same, Aug. 16th. *Ibid.*

<sup>28</sup>McNamarra's project was laid before Bankhead in 1844. He took only a "mild interest" in it at the time. Adams, *British Interests*, 253. Herrera, however, approved of it, though Paredes objected to the arrangement. Securing the consent of the Mexican government, McNamarra came to California where the assembly voted him a grant of 3000 leagues on July 4—an act which showed "a new feature in English policy, and a new method of obtaining California." Larkin to State Department, Aug. 18 and 24, 1846, *Official Correspondence*, II, Nos. 54-56. Benton and Fremont made much of this "McNamarra Scheme" as justifying the latter's participation in the Bear Flag Revolt. Bancroft devotes considerable space to this phase of the project.

circles, especially among the members of the British legation.<sup>29</sup> On the same day a despatch, written July 10, reached Washington from the American consul at Monterey. This communication of Larkin's deserves special mention. In it he stated that the Hudson's Bay Company<sup>30</sup> had furnished the native Californians with arms and ammunitions to expel the Mexican governor, General Micheltorena,<sup>31</sup> in the preceding year. At the time his despatch was being written, however, Larkin said,

There is no doubt in this country, but the troops now expected here in September [from Mexico] are sent at the instigation of the British Government under the plea that the American settlers in California want to revolutionize the country; it is rumored that two English houses in Mexico have become bound to the new general to accept his drafts as funds to pay his troops for eighteen months.<sup>32</sup>

Of even greater importance was the information in the same despatch that both France and England had appointed salaried consuls in California, neither of whom had any apparent commercial business. The British representative,<sup>33</sup> especially, was a fit

<sup>29</sup>Parrott to Buchanan, Sept. 2, 1845. MS., State Department.

<sup>30</sup>See also Larkin to Secretary of State, June 5th. MS., State Department—received Sept. 16th.

<sup>31</sup>The revolt here referred to was that against Micheltorena.

<sup>32</sup>Larkin to Secretary of State, July 10, 1845. MS., State Department; also Larkin, *Official Correspondence*, II, No. 25. The apparent inconsistency of charging the Hudson's Bay Company with aiding in the expulsion of Micheltorena and the British government with endeavoring to reinstate him is explained by the facts. In 1844 the British vice-consul, Forbes, was approached by the California leaders to know if his government would establish a protectorate over them in case they declared their independence. Forbes forwarded the information to the home government, both he and the consul, Barron, at Tepic, favoring the project. Upon the reply of the home office declining to have anything to do with it, however, "they transferred their support to the Mexican government, believing that Mexican control would be more favorable to British interests than an independent government in California." Adams, *British Interests*, 251. As early as 1842 Sir George Simpson wrote to Sir John H. Pelly (for the eyes of the government) that a single English cruiser on the coast with assurance of protection from Great Britain, would be sufficient for a declaration of independence on the part of the Californians and the establishment of a British protectorate. *Am. Hist. Review*, XIV, 89.

<sup>33</sup>For the activities of Alexander Forbes, see Adams, *British Interests*, 234-264, *passim*. On the other hand, Larkin seems to have forgotten that he himself urged a French consul's appointment. Larkin to Monsieur Gauden, Havre de Gras, April 21, 1844. Larkin MSS., II, No. 79.

subject for suspicion. His ranch was located forty miles inland; he had permission to carry on his private business, while receiving pay from the government; as there was no English commerce his appointment became a mere blind; and finally, he was concerned in the affairs of the "gigantic" Hudson's Bay Company.

The effect exerted by these despatches upon the policy of the administration will be considered later. It remains for the present to note further communications that were well calculated to arouse a like suspicion against England.

Slidell, when upon his mission to Mexico, at first was unable to learn "anything that would authorize the belief that attempts are making by any European Power, to obtain a cession of any territory on the Pacific Coast," though the late arrival of a son of Sir Robert Peel, as bearer of despatches, from the British fleet in the Pacific, had caused some comment.<sup>34</sup> Some ten or twelve days later, however, Slidell was writing for instructions as to the course he should pursue regarding the British mortgage on Mexican territory, in case a treaty was negotiated. The same despatch likewise carried information that England was hindering his reception by the Mexican government.<sup>35</sup>

*The rumored monarchy.*—About this time, also, reports came to the administration of a plan to establish a monarchy in Mexico and call in a European prince—an arrangement necessarily fatal to Polk's purpose of securing California. John Black, the American consul at Mexico City, first called attention to this danger, saying that it was commonly reported that the revolution then in progress had such an end in view. Reliable persons had informed him that agents were in Europe soliciting a foreign prince; while France, England and Spain, having countenanced the plan, were being looked to as the backers and sustainers of the new monarch.<sup>36</sup>

Shortly after the receipt of Black's despatch, a private letter, equally positive in tone, came to Polk from the American ambassador at London. "It need not surprise you to discover at no distant day," wrote McLane, "that a favorite scheme with the leading Powers of Europe is to *compose* the *Mexican* trouble by giving

<sup>34</sup>Slidell to Buchanan, Dec. 17, 1845. MS., State Department.

<sup>35</sup>Slidell to Buchanan, Dec. 29, 1845. *Ibid.*

<sup>36</sup>Black to Buchanan, Dec. 30. *Ibid.*

her a Monarchical form of government and supplying the monarch from one of their own families."<sup>37</sup>

Slidell soon added his voice to this testimony of Black and McLane, calling attention to the fact that *El Tiempo*, the official organ of the Paredes administration, had come out openly in favor of the monarchy.<sup>38</sup> Three weeks later, the consul at Vera Cruz wrote that the Mexican government was bent, beyond question, on putting the plan into operation, in order to secure foreign intervention against the United States.<sup>39</sup> These reports later called out a reply from Buchanan to Slidell stating that this report had been corroborated from other sources, but implying a doubt as to its foundation.<sup>40</sup> However, Slidell was to ferret the matter out, for it was a thing the American people could by no means permit. Later, Slidell wrote that a feeling favorable to the United States was arising among those in Mexico who opposed the idea; and in a second despatch outlined the difficulties its supporters had to overcome.<sup>41</sup> Still, he advised prompt and decisive measures on the part of the authorities at Washington to forestall its success. Two days after the receipt of this communication, the president consulted with Senator Benton as to what these measures should be.<sup>42</sup>

*Agitation in the press.*—While the reports of England's designs upon California, and the establishment of a Mexican monarchy

"McLane to Polk, Jan. 17, 1846. Polk MSS. The plan was expected, McLane added, to arouse opposition in Europe to Polk's message and strengthen England in the Oregon controversy.

"Slidell to Buchanan, Feb. 2, 1846. MS., State Department.

"Dimond to Buchanan, Feb. 21. *Ibid.* The following quotation shows the basis upon which these reports rested: "Bankhead's interest . . . was greatly aroused by proposals . . . unofficially made by Mexicans of prominence that a solution of Mexican difficulties might be found in an overthrow of the republic and an establishment of a monarchy under a European prince. Bankhead was much attracted by the idea and Aberdeen expressed friendly interest." E. D. Adams, "*English Interest in California*," *Am. Hist. Review*, XIV, 761, note. This note does not appear in the chapter on California in the author's "*British Interests and Activities in Texas*."

"Buchanan to Slidell, March 13, 1846. MS., State Department. Rumor, said Buchanan, had already indicated the Spanish Prince Henry, son of Francisco de Paula, and the rejected suitor of Queen Isabella.

"Slidell to Buchanan, March 1 and 18. MS., State Department. See also Bancroft to McLane, March 29 in M. A. D. Howe, *Life and Letters of George Bancroft* (New York. Charles Scribner & Sons. 1908), I, 282.

"Polk, *Diary*, I, 326.

were reaching the state department, the same accounts were finding their way into the public prints. Larkin's despatch of July 10, in somewhat stronger form, was sent by him to the *New York Sun*, and from that journal copied by many of the other newspapers.<sup>43</sup> In it only two alternatives were given—either California, with all its resources and the mile-wide bay of San Francisco, must belong to the United States or pass into the hands of France or England. With California also went the possession of Oregon. "Why they are in service," said the published despatch in referring to the recently appointed foreign consuls against which the state department had likewise been warned, "their government best knows, and Uncle Sam will know to his cost."

"The exhaustless wealth of the mines of Mexico, the broad and fertile acres of the Californias will fall a prey to British rapacity should there be none to interpose," was the opinion of the *New Orleans Picayune*.<sup>44</sup> And even the staid *American Review* lifted up a voice of warning against English aggressions and in favor of American occupation.<sup>45</sup> The report of the proposed monarchy likewise received due publicity and unfavorable comment.<sup>46</sup> While the bitter attacks of the *London Times* against the United States as a nation of land-grabbers, and the repeated calls it made upon the British government to secure California or at least prevent its acquisition by the Americans, aroused no little indignation.<sup>47</sup>

*Effect upon the policy of the administration.*—The importance of the question of foreign interference in California lies not so much, however, in its effect upon the popular mind as upon the policy pursued by the government. On September 16, when considering the instructions for Slidell, Polk records that even the fact of his mission was to be kept secret, lest British or French

<sup>43</sup>Larkin to *New York Sun*, July 31, 1845. Larkin MSS., III, No. 235. Reprinted in *Niles' Register*, LXIX, 204; *Daily Union*, Oct. 21; *Charleston Mercury*, Oct. 22.

<sup>44</sup>*Picayune*, Sept. 27, 1845; see also *Daily Union*, June 16; *Richmond Enquirer*, Jan. 26, 1846.

<sup>45</sup>*American Review*, Jan., 1846.

<sup>46</sup>*Picayune*, Jan. 10, 1846; *Ibid.*, March 7 (extract from *Baltimore American*); *Daily Union*, March 10th and 16th.

<sup>47</sup>*Niles' Register*, LXVIII, 211; LXIX, 147; *Richmond Enquirer*, Sept. 12, 1845; *Daily Union*, Sept. 8, Oct. 23; *New York Journal of Commerce*, March 24, etc.

influences should thwart its purpose. And from this time on the numerous despatches on the subject of foreign interference, of which mention has been made, figured prominently in the administration's course of action.

The importance especially of Larkin's communication of July 10 in this connection has never been duly appreciated. Three days after its receipt, Buchanan wrote privately to McLane regarding the Oregon controversy, mentioning several reasons why the compromise measure would meet defeat in the senate. The chief of these he gave as follows:

The disposition of the two nations [France and England] to meddle in the concern of this continent, the strong suspicions entertained that they are now intriguing both in Mexico and California in relation to the latter:—all these have conspired to excite American feeling against Great Britain to a very high pitch. By advices from Monterey of the 10th of July last, we are informed of the arrival of a British and French consul in upper California without any ostensible commercial business—[Here followed the substance of Larkin's despatch, with a considerable portion of it in direct quotation] . . . I need not say to you what a flame would be kindled throughout the Union should Great Britain obtain a cession of California from Mexico or attempt to take possession of that province.<sup>49</sup>

As affairs were in such a state, Buchanan further advised McLane that he himself thought the time too critical for urging the Oregon question, although the president was determined to give the year's notice.<sup>50</sup>

It may be mentioned in this connection, simply as a matter of interest, that not long before, Polk had received from Robert Armstrong, his close personal friend and newly appointed consul to Liverpool, a letter strongly advising him never to settle the Oregon question short of 54° unless England gave up all pretensions to California. "England must never have California," were his words, "and it seems to be advisable to make Oregon the bone of

<sup>49</sup>Buchanan to McLane, Oct. 14, 1845. Polk MSS., Library of Congress; also a copy in the Polk MSS., of the Lennox Collection of the Library of the City of New York. The letter does not appear in the published writings of Buchanan by Moore.

<sup>50</sup>For Buchanan's endeavor to persuade Polk to assume a more moderate attitude, see Polk's *Diary*, I, 62-65.

contention to prevent it. The whole country will sustain you on Oregon."<sup>51</sup>

*England and Larkin's appointment.*—In addition to Buchanan's letter to McLane, the administration's fear of foreign interference was similarly shown in the instructions sent to Larkin and Slidell. Larkin's appointment as confidential agent has often been condemned as an act smacking of international dishonor. Yet it should be remembered that Polk had every reason to believe that an English and a French agent were likewise masquerading under the guise of consul for the purpose of influencing the political future of California.

In the instructions to Larkin, therefore, we should naturally expect much space to be devoted to the subject of British and French designs.<sup>52</sup> And we are not disappointed. The commercial interests of the United States demand that the American consul shall "exert the greatest vigilance in discovering and defeating any attempts which may be made by foreign governments to acquire a control" over California. The president cannot "view with indifference the transfer of California to Great Britain or any other European Power." European colonization on the North American continent must cease, as it can only work hurt to the United States and equal harm to the nations attempting it. The Californians, therefore, are to be warned of the danger of such domination to their peace and prosperity. They are to let events take their course along political lines unless Mexico endeavors to transfer them to Great Britain or France; then they are to resist with force—and the United States will assist them. Lastly, Larkin is not to awaken "the jealousy of the British or French agents" by assuming other than his consular character.<sup>53</sup>

*England and Slidell's instructions.*—The instructions to Slidell, first drawn up on September 16, but amended after the receipt of Larkin's 10th of July despatch,<sup>54</sup> laid an equally strong emphasis on the matter of foreign interference. One of the new minister's

<sup>51</sup>Armstrong to Polk, Aug. 4. Polk MSS.

<sup>52</sup>The same instructions were entrusted (probably) to Gillespie and Frémont.

<sup>53</sup>Buchanan to Larkin. Buchanan, *Works*, VI, 275-278. It should be noted that Buchanan assigned as his reasons for these warnings, etc. Larkin's despatch of July 10th.

<sup>54</sup>This despatch was received Oct. 4th.

duties was "to counteract the influence of foreign Powers exerted against the United States in Mexico." Also—a point frequently lost sight of—Slidell was expected to accomplish, at that particular time, the object for which he was sent, not merely because of "the wretched condition of the internal affairs of Mexico," but also on account of "the misunderstanding which exists between the Government and the Ministers of France and England."<sup>55</sup>

The same determination to resist European colonization that had been expressed to Larkin was contained, even in a stronger form, in this document received by Slidell. He was instructed to ascertain whether Mexico proposed ceding California to France or England, and to take steps to prevent any such action, "so fraught with danger to the best interests of the United States." For if all the advantages of San Francisco harbor "should be turned against our country, by the cession of California to Great Britain our principal commercial rival, the consequences would be most disastrous."<sup>56</sup>

*Polk's re-statement of the Monroe Doctrine.*—Polk, however, did not rest content with these secret efforts to thwart European influence in California. On December 2, came his first annual message with its enlarged affirmation of the Monroe Doctrine. California was not specifically mentioned in this document, but the wording was such as to be meaningless if applied to Oregon alone. This was so recognized at the time.<sup>57</sup> Moreover, Polk told Benton definitely, while the message was in the course of preparation late in October, that he had California in mind as well as Oregon. Great Britain, he said, had her eye upon California, intending to possess it if possible; but the people of the United States would see that she did not. "California and the fine Bay of San Francisco" were to be protected from English aggression as well as Oregon. Like Cuba, California might re-

<sup>55</sup>For a report of this disagreement, see Parrott to Buchanan, Sept. 29 and Oct. 4. MSS., State Department.

<sup>56</sup>Buchanan, *Works*, VI, 294 et seq. The force of this idea of foreign control in California is still further shown in the opening paragraph of the part of these instructions dealing with California.—"There is another subject of vast importance to the United States which will demand your particular attention. From information possessed by this department it is seriously to be apprehended that both Great Britain and France have designs upon California."

<sup>57</sup>*Cong. Globe*, 29 Cong., 1 sess., p. 350.

main under its present owners but never pass into the hands of a more powerful nation.<sup>58</sup>

It has sometimes been held that this application of the Monroe Doctrine was merely a bogey used by Polk to alarm the country and justify his subsequent course in the eyes of the nation. Enough, it is believed, has already been said to show the falsity of such a charge. When he wrote—"the people of this continent alone have the right to decide their own destiny. Should any portion of them, constituting an independent state, propose to unite themselves with our confederacy, this will be a question for them and for us to determine without any foreign interference"<sup>59</sup>—Polk desired to warn England that the United States would brook no interference in case the program entrusted to Larkin in California was a success, and the inhabitants sought annexation to this country.

Similarly, when he announced that "no future European colony or dominion, shall with our consent, be planted or established on any part of the North American continent,"<sup>60</sup> he wished to announce clearly and distinctly to the British government that any attempt she might make to gain control of California would be opposed, with arms if necessary, by the United States.

*Did Polk's fear of England hasten the Mexican War?*—The foregoing discussion, it is hoped, has shown something of the apprehension that existed in the mind of President Polk and his advisers, lest, either directly or indirectly, European influence should hinder the acquisition of California by the United States. How large a part this played in bringing on the Mexican War, would be interesting, but impossible, to say. In arriving at the effect of this apprehension, however, it should be remembered that Polk's attitude on all great public questions was moulded largely by Andrew Jackson, who had warned him against England both in her relation to Texas and California,<sup>61</sup> and that he had every reason to believe, and did thoroughly believe, from the reports that came from Mexico and California that European in-

<sup>58</sup>Polk, *Diary*, I, 71 (Oct. 24th).

<sup>59</sup>James D. Richardson, *Messages and Papers of the Presidents* (Washington. Gov't Printing Office. 1896), IV, 398.

<sup>60</sup>*Ibid.*, 399.

<sup>61</sup>*Ap. Cong. Globe*, 28 Cong., 1 sess., p. 445.

fluence was at work to defeat his purpose. He laid the blame for Slidell's rejection directly at England's door.<sup>62</sup> And even as late as the outbreak of the war, his secretary of state feared that if England learned of his determination to acquire California, she, and perhaps France, would join Mexico against the United States.<sup>63</sup> But whatever influence this may have exerted upon Polk's determination to commence hostilities, it surely was not with insincerity that he wrote after the treaty of Guadalupe Hidalgo, "The immense value of ceded territory does not consist alone in the amount of money for which the public lands may be sold . . . the fact that it has become a part of the Union and cannot be subject to European power, constitutes ample indemnity for the past."<sup>64</sup>

## CHAPTER VI

### SLAVERY AND THE EARLY SENTIMENT FOR ANNEXATION\*

Before bringing to a close this discussion of American interest in California prior to the Mexican War, a word must be said regarding the idea that Polk's desire for California was prompted largely by his wish to extend the area of slavery, and that the acquisition of the territory itself was brought about chiefly through Southern efforts. Of late years, with the clearing away of much of the historic mist and fog, arising from the bitter controversies before the Civil War, the whole subject of slavery in its relation to territorial expansion is seen in a clearer and less distorted light. Even the annexation of Texas is coming to be considered chiefly as a phase of the westward progress of the American people and no longer a mere device of slave holding states.

To a much more marked degree, is this true of the new attitude toward the acquisition of California. Yet the charge has been made so frequently in one form or another that 'the Southerners were after bigger pens to cram with slaves'—"having ac-

\**Diary*, I, 337 (April 18, 1846).

\**Diary*, I, 396-399 (May 13th).

\**Richardson*, IV, 599.

*This does not pretend to be an adequate or exhaustive study of the subject. It is written only to show in a broad way why the acquisition of California cannot be considered a slavery measure.*

quired Texas they longed for New Mexico and California,"—it seems well to point out a few salient facts that such writers as Rhodes,<sup>1</sup> Henry Wilson,<sup>2</sup> Jay,<sup>3</sup> H. H. Bancroft,<sup>4</sup> Henry Cabot Lodge<sup>5</sup> and other members of the older<sup>6</sup> school of American historians, have apparently overlooked.

One indeed has difficulty in finding any true grounds at all for the opinion of this group. Their argument, however, runs about as follows: The Mexican War had as its object the acquisition of California; it occurred during the administration of a southern president, and was largely the product of his own devising; it was therefore fought simply to extend the area of slavery. As Henry Wilson expressed it in *The Rise and Fall of the Slave Power*, the "march into territory inhabited by Mexicans . . . meant more than 'to defend our own and the rights of Texas.' It could only mean, it did mean, the acquisition of more territory, in which to establish slavery, and by which the further extension and development of slave holding institutions could be promoted."

Those who adopt this course of reasoning, however, leave out of consideration a most essential fact. The movement for the annexation of California, as we have endeavored to show, did not begin with the presidency of James K. Polk, nor with the outbreak of the Mexican War. It originated more than a decade before either of these events and by 1846 had developed such strength and headway that its successful culmination was merely a matter of time, as was even then pretty generally recognized. After 1846 the course of the movement was obscured by the acrimonious debates over the conduct of the war, and the Wilmot Proviso—the latter especially precipitating a conflict of principle in which the south took an active and determined part. It is scarcely possible, however, to maintain, as some have done, that

<sup>1</sup>James Ford Rhodes, *History of the United States* (New York, Macmillan. 1894), I, 87.

<sup>2</sup>Henry Wilson, *Rise and Fall of the Slave Power in America* (Boston. Houghton, Mifflin and Company. 1879), II, 9.

<sup>3</sup>Jay, *Review of the Causes and Consequences of the Mexican War*, 107.

<sup>4</sup>H. H. Bancroft, *Works*, XIII, 344.

<sup>5</sup>Henry Cabot Lodge, *Daniel Webster* (American Statesman Series), 289.

<sup>6</sup>For a more recent writer taking this view, see H. Addington Bruce, *Romance of American Expansion* (New York. Moffat, Yard & Co. 1909), 139.

the pro-slavery forces originated and gave vigor to the actual movement for annexation, because they opposed the Wilmot Proviso. We shall save ourselves from this error if we remember that the question at issue from 1846 until 1850 was, after all, not so much one of acquisition, *per se*, as of method and status. We are not concerned at this time with the way in which California was secured nor with the contest as to whether it should be free territory or slave. Our contention is simply this, that the keen desire for Mexican territory on the Pacific, which developed among the American people prior to 1846 and found its gratification in the treaty of Guadalupe Hidalgo, was not inspired by sectional issues, and in no sense deserves to be called a slavery measure.

*California as an off-set to Texas.*—There are a number of reasons upon which we venture to base this assertion. In the first place, contrary to the generally accepted view of the matter, before 1845 the south proposed the acquisition of California as free territory in order to neutralize the opposition of the north to the annexation of Texas.

We have already seen that Jackson urged upon Wharton the necessity of including California within the limits of Texas in order to reconcile the commercial interests of the north and east to the program of annexation by giving them a harbor on the Pacific.<sup>7</sup> Waddy Thompson, Calhoun's friend and political disciple, did not expect to see slavery established in the territory whose acquisition he so strenuously urged, but thought the north would favor his project because of their commercial and fishing interests.<sup>8</sup> The same idea was present in Tyler's plan of a tripartite agreement when early in 1843 he wrote Webster:

The mere recognition of Texas, would have the effect . . . of separating that question from California . . . and using up all the agitations which you anticipated. Whereas introduced into the same treaty the three interests would be united and would satisfy all sections of the country. Texas might not stand alone nor would the line proposed for Oregon. Texas would reconcile all to the line, while California would reconcile or pacify all to Oregon.<sup>9</sup>

<sup>7</sup>THE QUARTERLY, XVIII, 17.

<sup>8</sup>*Ibid.*, 28.

<sup>9</sup>*Ibid.*, 33.

As late, too, as March 10, 1846, the Charleston *Mercury* credited the rumored annexation of California to the Whigs as an offset to the annexation of Texas, and congratulated that party on thus endeavoring to regain popular favor. While even that knight errant of the anti-slavery cause, Joshua R. Giddings, seems to have thought of the annexation movement from beginning to end solely as a free soil movement. Speaking on the floor of the house on July 14, 1846, he charged President Polk with seeking the annexation, not of California, but of the Mexican states north of the 22d parallel in order to establish slavery in the territory so secured, "at the moment," as he said, "when our rapidly increasing population is flowing into Oregon and California,—when free states are growing up in the former and the latter gives promise of preparation for annexation as a counterpart of Texas . . ."<sup>10</sup>

*Favorable attitude in the north.*—A second reason for the belief that the annexation of California was not a slavery measure, is the fact that the movement found its strongest popular favor in the north. Most of the contemporary newspaper and magazine articles which advocated the acquisition of this portion of Mexican territory first appeared in New York or New England. Thomas O. Larkin and other American residents of California were regular correspondents, not for southern newspapers, but for the Boston *Daily Advertiser*, the New York *Journal of Commerce*, and the New York *Sun*—the editor of the *Sun*, especially making it the settled policy of his paper to create a sentiment for annexation by publishing the most glowing accounts of California obtainable, and seeking to arouse public interest in other ways best known to members of his profession.

In this connection it may be of passing interest to call attention to articles that appeared in two leading American periodicals of January, 1846. One published in the *American Review*, known to its opponents as the "Text Book of the Whig Party," gave a complete, though somewhat exaggerated picture of the rich resources of California, spoke of the miserable control exercised by Mexico over the province, and urged its immediate annexation to the United States, provided this could be accomplished by

<sup>10</sup>Speeches in Congress by Joshua R. Giddings (Boston and Cleveland. Jewett & Co. 1853), 258-259.

peaceful means.<sup>11</sup> In De Bow's *Review*, afterwards the most influential journal of the south, an important place was also given to a discussion of California. The picture here drawn, however, was, in marked contrast to the glowing description of the northern writer, dreary in the extreme. California's soil was hopelessly sterile and cursed with drought, while its other resources were so limited that the country "would never become of any great importance in the history of the world or advance to any conspicuous position, either agriculturally, commercially, or politically."<sup>12</sup>

De Bow's article probably did not represent the common opinion of the south. Yet the interest with which the commercial states of the north regarded the future of California was unquestionably greater than that of any other section of the country, with the possible exception of the extreme west. For it was natural that those who had important trade relations not merely with California, but with India, China, and the Sandwich Islands, beside extensive whale fisheries, should of all others desire most eagerly a harbor and territory on the Pacific. It was for this reason, as much as any other, that Webster, who would scarcely be called the champion of slavery, considered San Francisco as twenty times more valuable than all Texas, and was so desirous of securing California while secretary of state that he even proposed to take Everett's place as ambassador to England in order to facilitate the adoption of the tripartite agreement.<sup>13</sup>

*Character of immigration.*—So far, also, as forces were at work locally in California to bring about a cession of the province to the United States, one finds the influence almost wholly of northern origin. Indeed, the charge that southern immigrants and southern leaders acted dishonorably in Texan affairs, can be returned (if in either case the charges are valid) with good interest against the north in the case of California. Lansford W. Hast-

<sup>11</sup>Above, p. 242. As early as March 5, 1845, the *Journal of Commerce* credited the Whigs with aiming to secure California in order to offset the popularity the Democrats had won in urging the annexation of Texas. See also *Richmond Enquirer*, Jan. 26, 1846.

<sup>12</sup>De Bow, *Commercial Review*, I, 65-66. "It was this article that first brought De Bow into prominence and that was quoted in debate in the French Chamber of Deputies." H. P. Dart, in *Tulane University Magazine*, bound in copy of above in University of California Library.

<sup>13</sup>THE QUARTERLY, XVIII, 33.

ings, the leader of a very ambitious scheme for independence, came from Connecticut, Marsh, his associate, Alfred Robinson, and J. T. Farnham, whose writings stimulated widespread interest in California throughout the United States, were also natives of New England; while Abel Stearns, Larkin's confidential advisor in Southern California, and Larkin himself, who played such an important part in the whole annexation movement, were from Massachusetts. Indeed it is hard to find more than one or two resident Americans of any prominence in California at this time who were not of New England origin.<sup>14</sup> As for the rank and file of immigrants who arrived in California up to 1846, it cannot be said that they came from any one section of the Union. Some were from the south and some from New England; while the great majority were from the frontier states of the west. Many had set out originally for Oregon but for one reason or another had changed their destination to California. They were trappers, farmers, mechanics and laborers who thought as little of establishing slavery as of setting up a monarchical government.<sup>15</sup>

*Proposed boundary lines.*—One further point remains to be discussed, which of itself precludes any idea that the desire to establish slavery in California furnished the motive for its annexation. On August 6, 1835, the United States government made its first attempt to purchase California. Forsyth's instructions of that date to Butler placed the desired line of boundary on the 37th parallel and expressly disclaimed any purpose of securing territory further south, or below the Bay of San Francisco. Something like a year later, Jackson offered the captured president of the Mexican Republic, who had been sent to Washington by the victorious Texans, three and one-half million dollars on behalf of the United States, for a line extending along the 38th parallel from the Rio Grande to the Pacific. On June 17, 1842, Webster instructed Thompson to secure, if possible, territory on the Pacific in return for the American claims against Mexico. The main ob-

<sup>14</sup>Bancroft, *Pioneer Register and Index*. In a list of those of any prominence in California prepared by Larkin for the State Department, nine were from New England, two from New York, one from Ohio, one from Maryland, and three unspecified.

<sup>15</sup>Larkin to State Department, June 15, 1846 (*Description of California in Official Correspondence*, Pt. II, 94-96); Sutter to Larkin, July 15, 1846. Larkin MSS., III, No. 220.

ject of the negotiations, according to the despatch, was to secure the harbor of San Francisco, although other territory might be added. Later, this same purpose was expressed in the terms of the tripartite agreement forwarded to Edward Everett at London.

On Nov. 8, 1845, Secretary of State Buchanan sent to Slidell, Polk's confidential Mexican agent, his official instructions, by which he was empowered to offer the Mexican government something over \$25,000,000 for a line extending west from the southern boundary of New Mexico, or "for any line that should include Monterey within the territory ceded to the United States." If this could not be obtained, he was to offer \$20,000,000 for a "line commencing at any point on the Western line of New Mexico and running due West, so as to include the Bay and Harbor of San Francisco."<sup>16</sup>

It is surely a puzzling problem, why, if the acquisition of California owed its origin to slavery, these official instructions for its purchase, constituting all that were issued between 1835 and the outbreak of the Mexican War, without exception should have placed the desired line of boundary above, or only slightly below, the 36° 30' parallel, where under no circumstances could slavery hope to exist.

*Southern opposition to President Polk.*—Up to 1846, therefore, the matter of acquiring California, both in the province itself and throughout the United States, can scarcely be considered as a slavery, or even a sectional measure. With the outbreak of the Mexican War and the bitter controversy arising over the Wilmot Proviso a few months later, the entire aspect of affairs was changed, and the subject becomes too complicated to be susceptible of adequate treatment in this place. And yet even from this time on there is certainly no such clear sectional division on the question as many writers of a past generation would have us believe. On the contrary, it found its advocates as well as its opponents both in the north and in the south. It was Alexander Stephens of Georgia who introduced a resolution on January 22, 1847, in the house, that no portion of Mexican territory should be acquired as the result of the war; while Berrien of the same state attempted

<sup>16</sup>This despatch to Slidell, as well as the other references to boundary just cited, have received due notice elsewhere in this discussion.

to secure the passage of a like resolution in the senate as an amendment to the three million bill, some ten days later.<sup>17</sup>

"I say in my humble judgment and speaking as a southern senator representing a southern state," said Berrien on this subject, "that the duty of the south—the interests of the south—the safety of the south—demands that we should oppose ourselves to any and every acquisition of territory."<sup>18</sup> Badger, of North Carolina, echoed Berrien's statement and denied that the people of his state desired an addition of territory from Mexico to any considerable extent.<sup>19</sup> Butler, of South Carolina, cared only for the port of San Francisco and rejoiced that this lay above the line of the Missouri Compromise.<sup>20</sup> Toombs was opposed to taking "an inch" of Mexican territory.<sup>21</sup>

In his own party, also, Polk found his strongest opponents to be southern men. Of the twelve Democrats opposing the war resolution in the house, eleven came from the south.<sup>22</sup> Calhoun and his followers were of course against the president, and cared so little for California that they were willing to imperil its acquisition for the sake of discrediting the administration.<sup>23</sup>

*Polk's views.*—Turning to Polk's own conception of slavery in its relation to California, we shall find it, also, entirely different from what some writers have led us to believe. Though Polk wanted the line of boundary to run somewhat farther south,<sup>24</sup> Slidell's instructions laid emphasis only upon the possession of San Francisco; and it was this harbor, and not a new area for slavery, that

<sup>17</sup>*Cong. Globe*, 29 Cong., 1 sess., pp. 240, 310. Ewing of Tennessee introduced a similar measure, *Ibid.*, p. 230.

<sup>18</sup>*Ibid.*, p. 330. See also Von Holst, *Political and Constitutional History of the United States*, III, 303.

<sup>19</sup>*Ap. Cong. Globe*, 30 Cong., 1 sess., pp. 121-122. See also *Globe*, 29 Cong., 2 sess., p. 338.

<sup>20</sup>*Globe*, 29 Cong., 1 sess., p. 448.

<sup>21</sup>*Globe*, 29 Cong., 2 sess., p. 141.

<sup>22</sup>*Ap. Globe*, *Ibid.*, pp. 412-413.

<sup>23</sup>Calhoun's attitude is seen best in his correspondence during the period. He feared lest Polk should attempt to seize the whole of Mexico. Polk asserted that Calhoun was almost indifferent at this time to the establishment of slavery in California. *Diary*, II, 283-284. For the further division in the south against the president's policy, see the *Charleston Mercury* of Feb. 10, 1847.

<sup>24</sup>*Diary*, I, 34-35. The line suggested by Polk ran about on the 32d parallel.

was considered "all important to the United States."<sup>25</sup> An added proof of the lack of sectional bias in Polk's efforts to secure the territory is shown by the fact that when he wished to send a regiment, whose members should eventually become citizens of California, he chose New York as the field for enrollment and not one of the southern states as he might well have done.<sup>26</sup>

The president's own words, however, unless we are to believe him absolutely insincere, best explain his position. He regarded the Wilmot proviso as "a mischievous and foolish amendment"; and believed that slavery should in no way be connected with the peace negotiations with Mexico, or with the war. Those who insisted upon joining the two called forth his condemnation, as working ruin to the country.<sup>27</sup>

His own plan for the settlement of the question was stated repeatedly in his *Diary*, and can in no way be construed as favoring the south against the north. In referring to a visit from Senator Crittenden, the Whig senator from Kentucky, to whom he had spoken of securing New Mexico and California as indemnity, he wrote,

I told him I deprecated the agitation of the slavery question in Congress, and though a South-Western man and from a slave-holding state as well as himself I did not desire to acquire a more Southern Territory than that which I had indicated, because I did not desire by so doing to give occasion for the agitation of a question which might serve to endanger the Union itself. I told him the question would probably never be a practical one if we acquired New Mexico and California because there would be but a narrow ribbon of territory south of the Missouri Compromise line of 36° 30' and in it slavery would probably never exist.<sup>28</sup>

<sup>25</sup>Slidell's instructions already cited.

<sup>26</sup>Marcy to Col. J. D. Stevenson, June 26, 1847. *Globe*, 29 Cong., 1 sess., p. 809. The men were to be of "good habits" and "various pursuits" who would remain as citizens when the war was over. They left New York October 28, arriving in San Francisco March 6, 1847. Three hundred of the regiment were still living in California in 1867. Cronise, *Natural Wealth of California*, 54-55.

<sup>27</sup>*Diary*, II, 75 (August 10, 1846); *Ibid.*, 305 (Jan. 4, 1847).

<sup>28</sup>*Diary*, II, 350. Polk had expressed the same idea to David Wilmot (*Ibid.*, 289) and to Calhoun (p. 283), as well as to others. He had favored the extension of the same line in the annexation of Texas (Curtis, *Buchanan*, I, 580). He thought if this plan were adopted in settling the controversy over California and New Mexico, "harmony would be restored to the Union and the danger of forming geographical parties avoided." *Diary*, June 24, 1848.

Exactly why Polk should send Slidell to Mexico, appoint a confidential agent in California, offer twenty-five millions of dollars, and perhaps go to war for the purpose of securing a "narrow ribbon of territory" in which to establish an abstract slavery, does not clearly appear. So far from being an ardent champion of the south, on the contrary, the president was far more open to the criticism of his opponents that he was favoring the north.<sup>29</sup> The larger part of the territory, and the only part considered of much value, lay above the Missouri Compromise line.<sup>30</sup> Though refusing to have anything to do with the Wilmot Proviso, Polk expressed a willingness, even against southern opposition, to sign a bill prohibiting slavery in Oregon.<sup>31</sup> And when urged by Calhoun to appoint southern men to control the government in California and New Mexico, he declined to commit himself.<sup>32</sup>

In the complete bewilderment with which the president saw the injection of the slavery question into the debates on the acquisition of California; and in the middle ground he occupied between the extremists both of the north and of the south,<sup>33</sup> one sees how sincerely he regarded the measure as national and not sectional

<sup>29</sup>Charleston *Mercury*, Feb. 17, 1847. A rumor had arisen that Polk would not negotiate for territory south of 36° 30' If this were true, said the writer, the south would do well to face the issue at once "while our men have arms in their hands."

Calhoun considered Polk as his direct opponent, and classed him with the "most rabid of the Whigs" when endeavoring to secure the adoption of his "Address of the Southern Delegates . . . to their constituents." Calhoun to Mrs. T. G. Clemson, Jan. 24, 1849. *Correspondence*, p. 761, and note.

<sup>30</sup>*Daily Union*, Feb. 19, 1847 (Denial of a charge of sectionalism against Polk).

<sup>31</sup>*Diary*, III (entry for August 8, 1848).

<sup>32</sup>*Ibid.* (entry for July 16, 1848).

<sup>33</sup>On Jan. 22, 1847, he wrote, "Even the question of slavery is thrown into Congress and agitated in the midst of a foreign war for political purposes. It is brought forward at the north by a few ultra Northern members to advance the prospects of their favorite [for president]. No sooner is it introduced than a few ultra Southern members are manifestly well satisfied that it has been brought forward, because by seizing upon it they hope to array a Southern party in favour of their favorite candidate for the presidency. There is no patriotism on either side, it is a most wicked agitation that can end in no good and must produce infinite mischief." (*Ibid.*, II, 348.) See also page 340 . . . "they are engaged in discussing the abstract question of slavery, and gravely considering whether it shall exist in a territory which we have not yet acquired and may never acquire from Mexico. The presidential election of 1848 has evidently much to do with this factious state of things."

in scope. We may perhaps blame Polk for failing to perceive that his desire for empire would inevitably bring the great issues of slavery before the American people. But we can scarcely say he had anything less than the interest of the whole nation at heart. Like Jackson he was more the product of the west than of the south, and he looked through the eyes neither of Calhoun nor of Adams, but of Jackson. He was not sectional, and if he overlooked the significance of slavery in its bearing upon California, it was because his thoughts ran to national greatness. His object was not to secure 'bigger pens to cram with slaves,' but to give to the United States wide boundaries and the mastery of the Pacific.

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## HARRIS COUNTY, 1822-1845

ADELE B. LOOSCAN

### II. HARRIS COUNTY IN THE REVOLUTION

The large share of the citizens of Harris County in winning the independence of Texas from Mexico has never been announced with a blare of trumpets; the facts have simply been recorded in history.

That the citizens of Harris County were important factors in the early revolutionary period, will be shown in the following pages.

In the summer of 1829 about thirty citizens met at Harrisburg and organized for an expedition against a predatory band of Indians. They marched to Groce's, a place of rendezvous, where, uniting with others, about eighty in number, under Colonel John Nail, they marched to within twelve miles of the Waco village, encountered and defeated about two hundred Indians, and returned home with the loss of only two men.

When the first trouble with Mexicans at Anahuac occurred in 1832, many of the citizens of Harrisburg marched under Colonel Frank Johnson to the aid of the Texans at Anahuac.

From the beginning of American colonization, in this part of Texas, there had been considerable trade between the settlement on the Trinity, called by the Mexicans, Anahuac, and Harrisburg, the chief trading point between the mouth of the Trinity, and Bell's landing on the Brazos River; it was natural that any interference with this right should be strongly resented and resisted by the citizens of both towns, and the occasion which arose early in 1835 proved they were determined to stand together in defense of that right.

In 1835 Anahuac was in the heyday of its prosperity. There had been no attempt to collect custom dues since 1832, but a change of policy on the part of the Mexican government caused the re-establishment of a collector of customs, and in the latter part of January, 1835, a body of Mexican soldiers under command of Antonio Tenorio was sent to enforce the collection of duties on goods received at the port, which was then known as the port of Galveston.

Opposition to the contemplated infringement of the license which the colonists had enjoyed since 1832 was not slow in manifesting itself among the citizens, especially as they claimed that such dues were not collected at any other point in Texas. Captain Tenorio soon found himself surrounded with difficulties. In response to his letter of complaint to the government, he, on May 1, received a reinforcement of men, together with guns and flints, and money for the payment of his garrison, several of whom had already deserted to the Texas colonists.

In the meantime, lumber which had been sent for the purpose of rebuilding Fort Davis had been burned on the night of the 3d, and upon his reporting this outrage to the commissary of police at Anahuac, as the work of one Mores, no steps were taken to arrest the supposed offender. In fact, the citizens of Anahuac had so little relish for the establishment of a Mexican garrison among them that they resolutely determined to resist the exactions of its officers in every particular. To carry out this determination in the most forcible manner, they held a public meeting on May 4, of which I submit the following report, clipped from the *Texas Republican* of August 8, 1835, published at Columbia.

ANAHUAC, May 4, 1835.

A respectable number of citizens of this jurisdiction convened this day at the house of Benjamin Freeman of this place, according to previous notice. Gen. William Hardin was called to the chair, and I. N. Moreland was appointed Secretary. The object of the meeting was explained by Mr. A. Briscoe who presented the following resolutions and preamble, which, after a short discussion, were unanimously adopted.

Whereas, There is no custom house organized in any part of the colonies of Texas, nor any duty upon importation collected, and whereas, duties have been collected here for the last three months, this being the poorest part of a poor country, there being an insufficiency of money to pay the duties on what importations have been made, trade every day decreasing, therefore,

Resolved, That the proceedings of the individuals claiming to be custom house officers at this place have neither been reasonable, just, or regularly legal, it being unreasonable and unjust to demand the whole duties of one small settlement, while the whole coast, and border besides, is free and open; and illegal, because they have never presented themselves or their credentials to the civil authorities for their recognition, nor have the said authori-

ties been notified by the Government that any such officers have been appointed for this port.

Resolved, That the country, as we believe, is not able to pay the regular duties according to the regulations of the general tariff; therefore, it is resolved that we send to the political chief of this department, by him to be forwarded to the Governor of the State, the foregoing memorial expressive of our opinion with regard to the situation of this part of the country, and its inability to comply with the tariff law, and praying him to intercede with the General Government for an exemption for these colonies for five or six years, from the restrictions upon commerce imposed by the general tariff.

Resolved, That until the object of the preceding resolution can be carried into effect, no duties should be collected in this port unless the collection is also equally enforced throughout the province; nor until then will we pay any duties on importations into this port.

Resolved, That these proceedings be signed by the chairman and secretary, and that copies be forwarded to the Judge of the First Instance, to the editor of the *Texas Republican*, to Don Jose Gonzales and to the political chief of the department, to be sent by him to the Governor.

I. N. MORELAND.

Attached to these resolutions and also published, was an address to the Governor of the Free State of Coahuila and Texas, and a letter from Andrew Briscoe, dated July 11, to the editor of the *Texas Republican*, further justifying the action thus taken by him and his fellow citizens. The people were divided in their view as to the advisability of resistance, and the Columbia settlement held a meeting expressing strong disapproval of the course pursued at the Anahuac meeting.

Moreover, immediately after the meeting at Anahuac, General Hardin, the chairman, left for the United States before copies could be made out and signed by him, so that any regular proceedings were blocked by this action of the chairman. These circumstances and the sharp criticism of the Columbia meeting, are the subject matter of the letter of Andrew Briscoe.

The lines were now beginning to be firmly drawn between the opposition and the non-resisting or peace party, and for good and sufficient reasons the Anahuac people, with Mr. Briscoe at their head, having made their resolutions to resist the unlawful collection of duties, stood firmly by them.

Of Andrew Briscoe's willingness to prove his stern purpose by his acts, he gave ample proof a few weeks afterward, when he took an important step toward precipitating the long threatening revolution of Texas against Mexico. The story of his adventure, the first act of resistance to Mexican authority in 1835, connects the towns of Anahuac and Harrisburg very closely in history.

From his home in Harrisburg, on June 10, DeWitt Clinton Harris, a youth about eighteen years old, went by sail boat to Anahuac to purchase goods of Mr. Briscoe. The collector refused to allow the goods bought by him to be removed without a permit from the custom house, for which, of course, a certain sum of money was demanded. With this demand, both Briscoe and Harris refused to comply. A guard was accordingly placed around the store on the night of the 12th, to prevent any attempt at moving the goods. While matters were in this state, a young man came into the store and asked for a goods box to put ballast in, which was given him, and he started to the beach rolling a wheelbarrow containing the box, which was filled with brickbats. Harris remarked to Briscoe that they could now ascertain whether the Mexicans would really prevent him from moving his goods. In a few minutes they heard the young man with the wheelbarrow calling for Mr. Smith, the interpreter; they both went out and found he had been stopped by the guard. When the interpreter came up and informed the Mexican guard of the contents of the box, they seemed satisfied, and allowed it to be taken to the beach and put on board the boat. But when Briscoe and Harris were about returning to the store, they were set upon by ten or twelve Mexican soldiers and ordered to stand, while a young man named William Smith, who was coming down the hill towards them, was shot down.

They were made prisoners and confined in the calaboose. Harris, being a mere youth, and not an arch offender, was released the next day and returned to Harrisburg, but without his goods. He immediately sent a report of the adventure to the authorities at San Felipe. On the 21st of June a public meeting was held there, and resolutions passed authorizing William B. Travis to collect a company of volunteers and eject Tenorio from the garrison at Anahuac. Friendship, as well as patriotism required Travis to act in this manner, for, as he said, "Some of his friends who

were principal citizens of the place were suffering under the despotic rule of the military." This expedition started from Harrisburg, where the sloop Ohio belonging to the Harrises, was chartered; a six-pound cannon, mounted on a pair of saw mill truck wheels, constituted its armament.

There were about twenty-five volunteers, who were probably armed. Some of them, who at first signed an agreement at San Felipe to march against the garrison reconsidered, and failed to go, but other recruits were taken up at Lynchburg and Spillman's Island. At Clopper's Point, now known as Morgan's Point, an election of officers was held, which made Travis, captain; Ritson Morris, first lieutenant, and John W. Moore was appointed orderly sergeant. Arriving within about half a mile of Anahuac, the boat grounded, a shot was fired by way of warning, and the cannon was then placed in a small boat, and they rowed ashore. The Mexicans fled to the woods, and the fort was found deserted. An interview was had with Tenorio, who agreed to sign articles of capitulation, the next morning. So, on June 30 the following terms were agreed upon: The Mexican officers pledged themselves not to take up arms against Texas, and were to be allowed to proceed to San Antonio. Twelve of the soldiers were granted the privilege of retaining their arms as a protection against Indians on the march. All the arms, sixty-four stands of muskets and bayonets, ammunition, etc., were turned over to the Texans. Mr. Briscoe was released and the Mexican custom house in Texas done away with forever.

The Mexicans and Texans returned to Harrisburg, where they arrived in time to attend a Fourth of July barbecue and ball. Captain Tenorio is said to have been a fine looking man of varied accomplishments.

He not only participated in the amusements of the barbecue, but attended the ball, where he waltzed and talked French with the handsome Mrs. Kokernot, who was a fine linguist. On the whole he was treated with civility, and some people who were there thought he acted as if he was the hero of the occasion. The truth is, he was probably only too glad to be relieved from his duties at Anahuac, and hailed his deliverers with no ill feeling. But, the action of disarming the fort was condemned by all but the most outspoken of the war party, and Travis, on his return to San

Felipe, had to bear the reaction of opinion. In a letter to the public on the subject, he was reduced to the necessity of justifying his course. I quote the closing lines of a letter which bears favorable comparison for heroic sentiment with any that he sent out from the Alamo:

I discharged what I conceived to be my duty to my country to the best of my ability. Time alone will show whether the step was correct or not. And time will show, that when this country is in danger that I will show myself as patriotic and ready to serve her as those who, to save themselves, have disavowed the act, and denounced me to the usurping military. [San Felipe, Sep. 1, 1835.]

The following letter from Travis to Briscoe, written at about the same time, gives a fair account of the state of public feeling:

SAN FELIPE, TEXAS, Aug 31, 1835.

My dear Sir:—

I have not written to you before because I was ashamed to tell what was going on. It is different now. Although the Mexican or Tory party made a tremendous effort to put us down, principle has triumphed over prejudice, passion, cowardice and knavery. All their measures have recoiled upon them, and they are routed horse and foot. The extent of their glory was to denounce us to the military at San Antonio and Matamoras, and demand our arrest. An order was accordingly issued to Ugartachea, and repeated by Cos, to arrest seven of us and send us to Bexar to be tried by martial law. This was too much for the people to bear. When they were called on by an usurping political chief to carry these orders into execution, the sacrifice was too great. Their wrath was turned against the Tories and Spanish-Americans, who now dare not to hold up their heads. The people call now loudly for a convention in which their voices shall be heard. They have become almost completely united. And now let Tories, submission men and Spanish invaders look out.

There is to be a great meeting here on the 12th of September on the subject of a convention. The Tories are dying a violent death, and their last expiring struggle will be made on that day. Therefore, I invite you to attend and hope you will do so. But I wish to see them overwhelmed. I have seen your publication. It does you credit. You have shown yourself the real white man and uncompromising patriot. Stick to the text and Texas is saved.

I have at this moment finished conversing with a Mexican just from San Antonio. He says marching orders have been given to the troops. They are to be here by the 12th or 13th of Septem-

ber to garrison this town, Tenoxtitlan, and Nacogdoches, with 200 men each; and it is concerted that 200 men shall arrive by water at Anahuac at about the same time to garrison that place. They have sworn vengeance against all engaged in the late expedition, and in that of 1832 at Anahuac and Velasco.

They calculate to take up these men with the aid of other Americans, by which time they will gradually bring in troops enough to overrun the people and keep them in vile submission. They cannot do it.

We will not submit to be garrisoned here. I hope you will not there. We shall give them hell if they come here. Keep a bright lookout to sea. Allow no pilots in the bay to assist them, and they cannot land before you have time to prepare for them. Secure all the powder and lead.

Remember that war is not to be waged without means. Let us be men and Texas will triumph. I know you can be relied on; therefore, I exhort you to be active in preparing the minds of men for the scenes that are to be enacted.

News from New Orleans that we will be liberally aided with men, money, and arms, has arrived. Already we have five pieces of cannon, 100 kegs of powder, and lead and shot to correspond, landed in Matagorda and sent from New Orleans.

Come over if you can on the 12th. My respects to Wilcox and others. Please write soon.

Your Friend,

W. B. TRAVIS.

As is well known Travis was one of the leaders of the war party, and the authorities at Columbia were urged by General Cos to secure "the apprehension of that ungrateful and bad citizen, W. B. Travis."

He, who at that time was blamed by some of his own people for precipitating the revolution, and called by his enemies, "an ungrateful and bad citizen," has earned a fame which shall give him through all the ages the noble title of hero, the birthright of such a determined nature.

The first act of the revolution of 1835, in which Andrew Briscoe and DeWitt Clinton Harris took the initial steps, and were ably seconded by Travis and others, was of the same character, and marked by the same determination, as the closing act of Wm. B. Travis, at the Alamo. They were the acts of men, who were determined to live in the enjoyment of constitutional rights, or die in defense of them.

At Anahuac, the Mexicans were few in numbers, badly scared, and yielded without firing a gun.

Another letter from Travis at the same time gives important evidence as to the state of public opinion two months after the attack on Anahuac.<sup>1</sup>

SAN FELIPE, August 31st, 1835.

Dear Sir:—

Huzza for Texas! Huzza for Liberty, and the rights of man!

My friend, when I returned from your place, I found the tories and cowards, making a strong effort, and for a time they were but too successful. I was, therefore, disgusted and wrote you but little, as I had nothing to communicate but what I was ashamed of, as a free man and a friend of my country. It is different now, thank God! principle has triumphed over prejudice, passion, cowardice and slavery. Texas is herself again. The people in the whole upper country are unanimous for a convention in which the voice of the people will be freely expressed. Every part of the country has pronounced against the dictation and humiliating course of the tories and friends of the Spaniards. The pitiful faction which has dominated here has expired, and those who supported the doctrine of abject submission to the military, have sunk too low, ever to rise again.

Principle was gradually working out this glorious end, and preparing the way for the march of freedom when the order came for my being arrested and given up to the military to be shot, for engaging in the expedition to Anahuac, etc. That was too much for the people to bear; it was too great a sacrifice for them to make, and they unanimously exclaimed against this order and its supporters. The devil has shown his cloven foot, and his lies will be believed no longer.

<sup>1</sup>Travis to J. W. Moore, in *The Morning Star*, Houston, Saturday, March 14, 1840. The editor, D. H. Fitch, says: "The following letter from the pen of the immortal Travis will be read with peculiar interest. Every line that has been penned by that noblest of Texian patriots will ever command the admiration and respect of Texans. Who can read these lines and not feel his bosom glow with the fire of liberty that animated their illustrious author? This letter was addressed to Major J. W. Moore, and the original is now in his possession; it will some day become a valuable autograph. Colonel Moore was the first who raised the one-starred banner among the brave 'Harrisburgers,' to whom Travis alludes, and has on many occasions by his bravery and devotion to the cause of freedom, proved himself worthy of his noble correspondent.

"The complimentary remarks of Travis, relative to the citizens of 'Harrisburg county,' would apply as well, even now, as at any previous period, for there has never been a time when the citizens of this district were not the foremost to rush to the defense of the frontiers, or to contribute even to the last dollar, when the country required a pecuniary sacrifice."

A tremendous reaction has taken place, and the tories are almost as bad off as they were in 1832. "Heaven's hangman will lash the rascals round the world."

The word now is, a convention of all Texas, to declare our sentiments, and to prepare for defense, if necessary.

The Harrisburgers want no stimulus to patriotism. They have always been the foremost in favor of liberal republican principle.

They have always been on one side; the right side. They have never barked up the wrong tree, and I hope, never will. God grant that all Texas may stand as firm as Harrisburg in the "hour that will try men's souls."

I feel the triumph we have gained, and I glory in it. Let Texas stand firm and be true to herself, and we have nothing to fear. We have many rumors afloat here. There is no doubt of one thing, they mean to flood the country with troops, and garrison the towns.

San Felipe, Nacogdoches, and all the ports, are to be garrisoned in a month or two. They are determined to punish those engaged in the expedition of Anahuac in 1832, and in 1835 and that of Velasco, in 1832. If we submit to these things, we are slaves and deserve not the name of freeman.

We are to have a great meeting here on the 12th of September to vote for and against a Convention. The citizens of the whole jurisdiction are invited to attend. I hope you will come and bring all the Harrisburg boys you can. Those who cannot come, please get them to sign a paper similar to the one signed at Columbia, expressing their wishes for a Convention.

Tender my best respects to all the boys—tell them never fear, fortune favors the brave.

Your friend,

W. BARRET TRAVIS.

Many of the best people of Austin's colony were strongly opposed to the policy of separation from Mexico, and this attitude on their part in the beginning served to multiply the difficulties which beset the course of those who advocated independence at any cost. The following letter from the Hon. Wm. Hardin to Don Antonio Gil Hernandez, dated Liberty, July 27th, 1835, will illustrate the attitude of the peace party:

Dear Sir:

Some short time since I wrote you a few lines in which I stated that I would be down soon, and I expected to have come down before this time, but my health will not yet admit of my riding. I have understood that you wish to leave for the interior. I wish

you to make yourself easy and remain in Anahuac as I am determined to give you any assistance that you may need. If there should arrive any vessel, I wish you to inform me of it immediately, and I will furnish you with as many men as may be necessary for the collection of the duties. I am determined that no vessel shall enter without paying the duties. I understand that goods are landing at the Neches. If you wish to go there I will furnish you with men sufficient to go with you. If I had been at home and in health you would not have been without troops at Anahuac.

Very respectfully, Your Friend, Etc.

WM. HARDIN.

We certify the above to be a true copy from the original in the hands of Don Anto Gil Hernandez, Anahuac, Sept. 25, 1835.

Joseph Bryan  
Geo. W. Miles

Adam Smith  
A. Briscoe.<sup>2</sup>

Whether this certified copy was procured to prove Hardin's loyalty to the cause of Mexico, or his disapproval of the independence movement in Texas is not known. While it seems to prove both, at that time there were many others occupying the same political position, who afterwards gladly joined their fortunes to those of the independence party, and it is presumed that he was of this number, as one of the counties of Texas was later named in his honor.

The sentiments expressed in the foregoing letters furnish an excellent index to the general feeling of the Texans up to this time; they show how widely the views of good citizens were separated as to their proper course. But, events immediately following the affair at Anahuac, among them orders from Mexico for the arrest of Zavala, Travis and other leading citizens, drew all factions of Texans together, precipitated the organization of committees, who were authorized to adopt resolutions proclaiming the lawful rights of the people under the Constitution of 1824, and hastened the formation of military companies for the defence of those rights. When it became plain that Texans must prepare to defend their homes by force of arms, it was natural that the two chief towns of Harris County should occupy the front rank in the organization of volunteer companies, but, it is doubtful whether

<sup>2</sup>This letter is from the Andrew Briscoe papers, in the writer's possession.

any official records of the membership of these companies have been preserved. Volunteers were soon merged into the regular army, and their significance as *first volunteers* was lost sight of in the greater importance of the large military body acting under duly constituted authority. However, we are fortunate in having some details regarding the organization of two companies of volunteers,—one at Lynchburg and the other at Harrisburg.

An undated clipping in my possession from the *Galveston News* contains an account of the organization of the Lynchburg company, and of the making of the first flag in Texas bearing the Lone Star and the word "Independence." It was written by James S. McGahey, an officer of the company, who signed himself "An old Texian and an old Texas Veteran."

HEMPSTEAD, TEXAS, May 30th.

To the News:

At this time viz: September 15, 1835, the writer hereof (a Virginian by birth) was at Captain William Scott's, San Jacinto, assisting in the organization of a company, upon the Captain's proposition.

Wm. Scott (a Kentuckian) was a wealthy man and patriotic to the core. He proposed to equip in full any one who would volunteer to fight for the cause of Texas, giving him a good horse, saddle, bridle, gun, accoutrements, provisions and a suit of clothes, and making his house headquarters until they were ready to march.

About thirty men organized into a company, electing William Scott Captain, Peter J. Duncan of Alabama, first Lieutenant, and James S. McGahey, second Lieutenant. One morning while their preparations were going forward, Scott said to McGahey, "Mack, I have a piece of beautiful silk, solid blue. If you'll make a staff, we'll have a flag." McGahey took the four yards of silk to Lynchburg, where a staff was made, and Mrs. Lynch sewed a piece of domestic to the silk to protect its edge from fraying, where it was attached to the staff. Charles Lanco,<sup>a</sup> a painter by trade, by order of McGahey, painted, in the center, a large five-pointed white star. Having done this, Lanco remarked, "Well now, that looks naked, let me paint something under it. What shall it be?" McGahey replied, "put the word 'Independence,'" and it was done.

<sup>a</sup>It is probable that Charles Lanco here mentioned was one of the men, who a few months afterwards perished in the Alamo. In the roll of names on the Alamo monument at Austin, it is engraved Charles Zanco, and in some early records of these heroes it has been printed Charles Lanco of Denmark, in others, Charles Zanco.

Some men from Eastern Texas on their way to San Felipe, stopped, looked at the flag, admired it, and said, "It is just the course for Texas to take." Passing on to Harrisburg where there was another Volunteer Company, they told them of the Lynchburg flag, and its "Independence motto." Some of the men at Harrisburg denounced the display of this motto, and said "they would shoot any man who attempted to raise a flag with the word Independence on it before it had been officially declared by the proper authorities." An angry message to this effect was sent by courier to the Lynchburg Company, and a reply was returned, inviting the senders of the message to come down the next day and see the flag hoisted.

McGahey had acted without authority in the matter of the motto, and in the message to the Harrisburg Company, but, when Captain Scott was told of it, he said, "By blood, Mack, that was a little rash, but I'll sustain you in it."

The next day about noon, there came down the Bayou, two large yawl boats, each carrying eight armed men, and pulled up to the shore. Captain Scott's company was formed in line, under command of Lieutenant Duncan, between the shore and Mrs. Lynch's house, every man with a loaded gun. "Not a man got out of either boat, nor was there a word spoken by any one." McGahey set his gun against the house, stepped into the house, took the flag from a rack, returned to the center of his company, unfurled the flag, and "planted the staff with a firm stroke in the ground, on the bank of the San Jacinto, and the lone star with the magic word Independence floated proudly on the breeze. For some minutes not a word was spoken; presently the captain of one of the boats ordered his men to push away from the bank, and when out a short distance in the stream stood up, and taking off his hat, flourished it around his head, shouting, "Hurra for the Lone Star." Every man of his crew did likewise, but the other boat pulled away up stream, and departed without any demonstration of any kind whatever.<sup>4</sup>

The action of these two boatloads of men illustrated the feeling of the Texans in general, some full of fearless enthusiasm for

The clipping comprising the letter of J. S. McGahey bears no year date. It is part of a collection preserved in a scrap book arranged partly in 1870, and at other times up to 1897.

James S. McGahey was born in Virginia, June, 1805. He emigrated to Texas in company with George M. Patrick (1827), and shared in almost every movement of the colonists toward the assertion and maintenance of their rights. The last twenty-five or thirty years of his life was passed in Waller county, where he resided with his family at their home near Hempstead. He died on November 27, 1885. His widow survived him a few years. Their grandson, James Darrow, lives at Houston, and a daughter, Dora, wife of G. W. McCormick, at Frenchtown, Kentucky.

resistance at any cost to the methods of tyrannical government recently adopted by Mexico, others in favor of temporizing and waiting for authoritative action. But, when was a revolutionary movement ever carried successfully forward by regular methods?

McGahey of the Lynchburg Company bore his flag on its staff to San Felipe, thence carried it in a knapsack, until after the battle of Concepción. Having been badly wounded in this engagement he was furloughed and returned home after confiding the flag for safe keeping to Thomas Bell, who had fought by his side.

The Company that was organized at Harrisburg at about the same time as the one at Lynchburg, was commanded by Captain Andrew Robinson, and its first lieutenant was Archelaus<sup>a</sup> Bynum Dodson. Its membership was evidently conservative in sentiment, and the flag which was presented to it was made by the hands of the wife of its first lieutenant, to whom she had been married only a few months. This flag was made of calico, blue, red, and white, of equal sized pieces or squares. The blue was set with a single white star, next came the white, then the red, the pieces being arranged in the manner of the Mexican flag then in use in Texas.<sup>o</sup>

We can imagine the trepidation of the young bride as she made and presented this symbol of liberty to the company of which her husband was first lieutenant, and saw them march away to the west, scarcely daring to hope that they would ever return.

Mr. Dodson, who in 1896 was living at Alice, Texas, sent me a model of the flag as he remembered it, and wrote me that there were no ceremonies attending its presentation, nothing but a statement made by him to the company, that the single star was like Texas, alone in her opposition to the autocratic government that

<sup>a</sup>On the authority of the daughter of Mr. Dodson, now living at Alice, Texas, I have made the correction in the name, which has been sometimes published as *Archelam*.

<sup>o</sup>The flag made by Sarah Rudolph Dodson at Harrisburg is a matter of record in the *Texas Almanac* of 1861, pp. 76-77; Brown's *History of Texas*, II, 538; and the manuscript letters of A. B. Dodson in my possession. My correspondence with Archelaus Bynum Dodson in 1896, in regard to it, gave him an opportunity to correct some misconceptions with regard to the flag. This was done not only in the text of one of his letters written by his daughter, at his dictation, but by a model of the flag made by her through his direction, which placed the single white star in a blue field instead of a red, as it had been described in early publications. This correction was further emphasized by him in this way: in a newspaper clipping describing the white star in a red field, he had the word *red* crossed out, and *blue* written above it.

had been established in Mexico by Santa Anna. He said the flag was carried by Ensign James Ferguson, second lieutenant, at the head of the company, until Austin superseded John W. Moore at Gonzales<sup>7</sup>

Austin requested that the use of the flag be discontinued, that, if it should be taken into San Antonio, the commander there would look upon it as a revolutionary flag. So, it was not again unfurled, and was lost sight of in the after events of the war. However, after the fall of the Alamo, a flag was found in the fort, which excited the following comment from the Mexican Commander, Santa Anna. In a letter to Secretary of War Tornel, March 6, 1836, he says, "The bearer takes with him one of the flags of the enemy's battalions, captured, which shows that they came from the United States of the North."

We have seen that the two companies organized in Harris County carried flags of original design expressing the political sentiments of their respective membership, and it is equally plain that the naval flag<sup>8</sup> designed by Burnet at a later date strongly symbolized the hope of the Texans, for, how simple and easy would have been the blending of its single star and thirteen stripes into the national standard of the United States. When those hopes were disappointed, and it was afterwards found advisable to contrive another emblem of a design distinctive enough *not* to be readily blended with that of any other nation, it was in Harris County that this emblem was designed and adopted. The coincidence of resemblance between the Harrisburg flag and that finally adopted for the Republic of Texas in colors, differing, as they do in method

<sup>7</sup>Mrs. Dodson died in Grimes county in 1848. She was the daughter of Edwin and Elizabeth Bradley who moved from Kentucky to Texas in 1822 and settled on the Brazos river in Brazoria county. They were among the first of "the old three hundred" of Austin's Colony.

<sup>8</sup>When the provisional government of which he was the head retreated from Washington to Harrisburg, President Burnet and others of his cabinet were at the home of Mrs. Jane Harris, and, while there, Burnet devised the naval flag for Texas, which consisted of thirteen stripes, alternate red and white, like the United States flag, with a single white star in a blue field. This flag was adopted by the congress at Columbia in the fall of 1836, and continued in use until the adoption of the national standard by the third congress of the Republic of Texas assembled at Houston December 27, 1838. The flag was approved January 25, 1839.

of arrangement only, is a graceful compliment to Mrs. Dodson, the designer of the Harrisburg flag.

There seems no room for doubt that to Harris County belongs the honor of having raised the first lone star flag in Texas. No rival claims have been established; on the contrary official investigation has disproved all other claims.\*

Hand in hand with the organization of companies and the making of flags was linked the even more important business of legislating for the impending crisis. That the movements of the Texans were characterized by more than ordinary prudence is manifest when it is remembered that the first deliberative body expressive of deep discontent assembled in 1832, and the principles then enunciated were never lost sight of, yet, the physical manifestation of their revolutionary spirit was held in check until the most patient of patriots could no longer counsel delay.

When we review briefly the events of 1835 and 1836, so full of immediate importance to the people of Texas, and pregnant with the future extension of the limits of the United States, we look back to the first convention as the nucleus round which the people rallied and organized for the defence of their rights. It was indeed a momentous occasion, marked by a long stride and a steady advance in the right direction. The comprehensive character of the resolutions adopted by this body of men, which was in session barely six days, the reports of the several committees and the two spirited memorials addressed to the Congress of the United Mexi-

\*In reply to the question often asked as to why Texas is called the Lone Star State, Governor C. A. Culberson, on January 29, 1898, wrote a letter which was published in the *San Antonio Express* and the *Houston Post* of January 31 of the same year. The letter deals mostly with the first use of the single star as a seal, and in regard to the flags he writes as follows: "Enterprising and dauntless characters in other states responded to the necessities of the Texans in their struggle for liberty, and among these was a Georgia battalion commanded by William Ward, who with most of his men perished in the massacre of Goliad. The command, as has unquestionably been proven by depositions in our courts, was organized November 12, 1835, at Macon, Ga., and before the 20th of that month, about which day they were at Columbus en route to Texas, Miss Troutman, of Knoxville, Ga., presented these troops with a flag of plain white silk, with a lone azure star of five points, which they afterwards carried as their banner. . . . This, however, was not the first lone star flag unfurled in our war of independence. While the exact date may be in doubt, it is, nevertheless, certain that, prior to the presentation of the flag to Ward in Georgia, Mrs. Sarah R. Dodson, of Harrisburg, Texas, presented a flag of red, white and blue, with a five-pointed white star to a company organized at that place."

can States, all show that its members were of the same temper as those who, three years and five months afterwards, formulated the declaration of Texas independence.<sup>10</sup>

According to the official journal of the first convention held on the first day of October, 1832, in the town of San Felipe de Austin, which was composed of delegates elected by the people of the different districts, the district afterwards known as Harris County was called "San Jacinto," and was represented by Archibald B. Dodson, Geo. F. Richardson, and Robert Wilson.

In the second convention held at the same place, on the first day of April, 1833, David G. Burnet bore a leading part, and his colleagues from this district were Archibald B. Dodson and Geo. F. Richardson. As chairman of a committee to draft a memorial to the Mexican Congress, Burnet prepared a paper which has been pronounced by critics versed in diplomatic literature as deserving high rank among state papers.<sup>11</sup>

It is well known how futile were these well intentioned petitions of the Texas colonists; by the spring of 1835 the anarchy which reigned in the twin state, Coahuila, left the Texans virtually without government except such self-inaugurated local tribunals as they were obliged to establish. The citizens of Harrisburg municipality were even more ready now, if possible, than in former years, to unite with others in insisting upon their rights. The presence among them of the Mexican statesman Zavala (he arrived in July, 1835) inspired them with a sterner determination to combat tyranny by every lawful means. Zavala was active in urging the necessity for organizing a power "which would restore harmony, and establish uniformity in all the branches of the public administration, which would be a rallying point for the citizens, whose hearts now tremble for liberty."<sup>12</sup>

He was an object of suspicion to the government and spies were active in reporting to the Mexican government all of his movements.<sup>13</sup>

<sup>10</sup>Brown, *History of Texas*, I, 196-210.

<sup>11</sup>For a copy of the memorial, see Yoakum, *History of Texas*.

<sup>12</sup>Speech of De Zavala on August 7, 1835, in Foote, *Texas and the Texans*, II, 83.

<sup>13</sup>In a letter written on July 25, 1835, these words are used: "Don Lorenzo de Zavala is now in Columbia trying to arouse the people. Have him called for and he also will be delivered up. Williams, Baker and

From the time of his advent, the people who were his neighbors became his friends, they admired his talent, his patriotism, looked up to him as a guide, and availed themselves of the first opportunity to profit by his services; so, in the sessions of the permanent council which met at San Felipe de Austin from October 11 to October 31, 1835, Harrisburg was represented by Lorenzo de Zavala and Jesse Batterson.<sup>14</sup>

When the consultation elected a general council, which, together with the governor and lieutenant-governor was to be invested with full powers of government, William Plunkett Harris, the brother of John R. Harris, who had founded the town of Harrisburg, represented this municipality.

A law of the Legislature of Coahuila and Texas had provided for the appointment of a first and second judge for each municipality, but none had been appointed. The general council, therefore, on November 16, 1835, appointed two judges for the municipality of Harrisburg.<sup>15</sup> They were T. H. League and Nathaniel Lynch.

The stormy sessions of the general council truly tested the merits of the movement for local self-government, and patriotism often trembled in dread for the outcome. Probably never before did an embryo nation survive such political discord.

Johnson are now on a visit to him, and no doubt conspiring against the government. Fail not to move in this matter quickly, as now is the time." Brown, I, 302-303.

<sup>14</sup>THE QUARTERLY, VII, 260.

<sup>15</sup>On the thirtieth day of December, 1835, the general council passed an ordinance defining the boundary of the municipality of Harrisburg, which was approved by the Governor, Henry Smith. The boundary lines of the municipality of Harrisburg shall be, and hereby are declared as follows: "Beginning at the entrance of Clear Creek into Galveston Bay, running up said creek with the line of the Municipality of Brazoria, and with said line to the Brazos River; thence up said river to the upper line of a league of land granted by the Mexican Government to Isaacs; thence along said line to the Northeast corner of said league; thence northwardly to include the settlements on Spring Creek, to the Southern line of the Municipality of Washington; thence eastwardly along said line to the Municipality of Washington, and so far eastwardly as to intersect the line dividing the department of Brazos and Nacogdoches; thence southwardly along said line to Galveston Bay; thence to the place of beginning."

Section 2 of the ordinance decreed that the town of Harrisburg on the west bank of Buffalo Bayou should be the "Place for transacting the judicial and municipal business of said municipality and for deposit of the archives of the same."

On December 13, the council passed a resolution calling for a convention of delegates from each municipality of the three departments of Texas, to meet on March 1, 1836, to adopt a form of government. This resolution promised to clear the atmosphere, and gave the people hope that a new body of representatives would be able to quiet internal dissensions, and at the same time elect and install a government to cope successfully with the warlike conditions surrounding them. The rapidity with which their wishes were carried out shows that there was remarkable unanimity among the delegates assembled at Washington on the Brazos; a convention which lasted barely seventeen days, and laid the foundation for a nation.

On this occasion the municipality of Harrisburg was represented by Lorenzo de Zavala and Andrew Briscoe. This convention, which made the Declaration of Independence, and adopted a constitution for a provisional government, forming the basis for that of the Republic of Texas, elected David G. Burnet, president, and Lorenzo de Zavala, vice-president, thus giving to these citizens of the municipality of Harrisburg the highest offices within their gift.

These proceedings were the consummation of the most ardent hopes of the leading citizens of Harris County, and the decisive battle of San Jacinto, a few weeks afterward gave to Texas with a single rapid master stroke the sacred boon, which their gifted statesmen had, for years, vainly besought the Mexican government to grant. Yet, between these two important dates, when independence was declared and won, what scenes of terror and desolation had defaced the fair landscape. What generous libations had been poured upon liberty's altars, what sacrificial flames had ascended in her name! The very names "Alamo and La Bahia" spread terror throughout the land.

As the retreat of the Texan army to the eastward left the homes of the west unprotected, flight became the watchword, and the dread cry "the Mexicans are coming" echoed in the ears of the fugitives, as with almost breathless haste they sought to get in advance of the army in order to keep it between them and the dreaded foe. Tales of the "Runaway scrape"<sup>16</sup> have been cleverly

<sup>16</sup>THE QUARTERLY, VI, 162-172; *A Comprehensive History of Texas*, II, 669-671.

told by many who were in it and of it, but attention is specially directed to those relating to Harris County experiences.

President Burnet, Vice-President Zavala and others of the cabinet of the provisional government were members of the household of Mrs. Jane Harris, widow of John R. Harris, from March 22 until about the 13th of April; a few days afterward New Washington became their rendezvous.<sup>17</sup>

The expedition to Harrisburg, under command of Santa Anna himself, for the purpose of capturing the government, and especially the vice-president, Zavala, was a failure so far as its main objects were concerned, but, inasmuch as it resulted in the entire destruction of this then important town, with its steam saw-mill, and the printing press of the *Telegraph and Texas Register*, the newspaper on which the government depended for the publication of its executive orders, it inflicted untold damage on the Texans, and greatly retarded the progress of the infant Republic.<sup>18</sup>

New Washington was the home of Colonel James Morgan, and here President Burnet narrowly escaped capture a few days after

<sup>17</sup>*From Virginia to Texas, 1835-1836—Diary of Col. Wm. F. Gray, 143, 146, 165.*

<sup>18</sup>The *Telegraph and Texas Register* published at San Felipe de Austin by Gail Borden, Jr., Thomas H. Borden and Joseph Baker, under the firm of Baker & Bordens, was moved from San Felipe to Harrisburg, the latter part of March, 1836. In spite of the disturbed condition of the country, an effort was made to resume publication. On April 14, the "forms went to press," but, only a few sheets had been taken off, probably not more than half a dozen, when Santa Anna and his troops entered the town and captured the printers and press. The former were held prisoners, the latter, together with all material, was thrown into the Bayou. The editors made their escape, taking with them the few sheets which had been printed. These were of great importance, for they comprised the executive ordinance of the provisional government, at Harrisburg, the only copy which was preserved in the general destruction of that place, which speedily followed.

Mr. A. C. Gray, in his "History of the Texas Press," says: "The press was what was known as a 'Smith medium hand press,' manufactured by R. Hoe & Co., New York, and was at that time considered the best press made. It was afterwards taken out of the bayou, and set up in Houston, and the 'Morning Star' printed on it. It was in the 'Telegraph' office when that paper finally suspended in February, 1877. What became of it after that time is not known." So much for the newspaper of the Revolution, which published the official documents of the consultation, council and provisional government, up to the time, when it was violently seized and consigned to a watery grave by the minions of Santa Anna. A description of the wrecking of the type was given in an editorial contained in the first number of the second volume of the *Telegraph*, issued January 18, 1837, at Columbia.

leaving Harrisburg; he had just put off from the shore in a small boat when the General, Almonte, at the head of a squad of cavalry, dashed into the place. After pillaging the store houses, the torch was applied to the buildings, when the Mexicans received orders to march as rapidly as possible to Lynchburg hoping to intercept and cut off the passage of the Texan army, which was supposed to be retreating, by way of the ferry at that place.

I have often visited the place during the life-time of Colonel Morgan, and heard the tale of how Turner, an intelligent yellow boy belonging to Colonel Morgan, at first misled the Mexicans, by telling them that General Houston and his army had already crossed the river at Lynchburg on their march to the Trinity; also of how the Mexican pack mules were stampeded in a narrow lane, when their drivers were surprised by orders to prepare for a forced march to Lynchburg.

The battle of San Jacinto, which soon followed this counter-march of the Mexicans, is by far the most important event that ever took place in the county or the state. But, it has been so fully described by abler writers, that it would be out of place in this compendium. There are, however, some circumstances connected with it which may with propriety be mentioned. They were familiar topics of conversation among the old settlers who were living at Harrisburg and its vicinity at the time of the battle, and with whom I was associated very closely during my girlhood.

In close connection with the battle of San Jacinto, though separated from the field by eight long miles, is the noted Vince's Bridge, which has won a place in history altogether out of proportion to the size of the stream, or its strategic importance. This is, no doubt, owing to the ignorance of early writers as to the topography of the country. General Houston in his report of the battle says he "ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape"; it was in all probability the only road, for roads were few in those days; the settlers were accustomed to cut across the prairies, directing their course by points of timber, and usually reached their destination with slight variation from the prescribed route. Imaginative writers, entirely ignorant of the size of the stream or the nature of the country near it, have pictured Vince's Bayou as a wide,

turbid, raging torrent, impossible to cross without a bridge, when, in reality, it is only three miles long, and, but for its boggy banks, might easily have been crossed at almost any point.

The direct line of march for the Mexican army from Fort Bend (near Richmond) to the ferry at Lynchburg, would have crossed Sim's Bayou at a point above the source of Vince's Bayou; and it was by this route that the heavy cannon and a portion of Cos's command marched.<sup>20</sup> The deep ruts left by this cannon in the soft prairie soil, which, on account of a very rainy season, was thoroughly saturated, were familiar to people living in this section of the country not only soon after the battle, but for months, and even years afterwards.

The Mexicans who had crossed Vince's Bridge naturally sought to escape by the same route, and the horse on which Santa Anna was mounted, a fine black stallion, which he had taken from the Vince's place on his march from Harrisburg to New Washington, took the road leading to his owner's home. If Santa Anna had been informed as to the "lay of the land" he could have made good his retreat to the Brazos, without ever seeing Vince's Bayou, as did a courier from Colonel Garcia, who reached Filisola on the afternoon of the 23rd of April, 1836.<sup>21</sup>

Well for Texas that there was no traitor to guide him, and that this small, insignificant, boggy little bayou, scarcely noticeable on the map, arrested his flight, and prevented his reaching the division of the Mexican army under Filisola, on the Brazos. Could he have done so, what might have been accomplished by Filisola with his four thousand and seventy-eight trained soldiers against the small Texas army at San Jacinto! The bridge was chopped and burned, so as to be impassable, but the remnants of timber were long to be seen on the bank. When a new one was made, it was placed about a hundred yards higher up the stream, and the one now in use is still farther from the original bridge and nearer the source of the small stream.

Many years ago in company with my grandmother, Mrs. Jane Harris, who was living at Harrisburg during the revolution, I fre-

<sup>20</sup>*Texas Almanac*, 1870, 41-42—Account of the battle of San Jacinto by Col. Pedro Delgado.

<sup>21</sup>*Texas Almanac*, 1859, 59—"The San Jacinto Campaign," by N. D. Labadie.

quently traveled over this road, and had pointed out to me the location of the bridge, which had played such an important part in history.

An error made by the early writers in the names of two bayous which empty into Buffalo Bayou in the vicinity of Harrisburg, has resulted in a misconception of the movements of the Texian army before the battle of San Jacinto. For instance, the name of Bray's Bayou, which empties into Buffalo on its right bank to the north of Harrisburg, seems to have been substituted in Yoakum's History for Sim's Bayou, which lies about two miles south of it, and must have been crossed by Santa Anna, in his march from Harrisburg to New Washington. Bray's Bayou played no part in the march of the Texan army. The Texan army marched along the left bank of Buffalo Bayou to a point opposite Harrisburg, thence to a point just below the mouth of Sim's Bayou, two miles below Harrisburg, where they crossed to the right bank of Buffalo Bayou, using the floor of Mr. Isaac Batterson's house, which was about where Clinton now stands, to make a raft for crossing the troops, the horses being made to swim; thence, their line of march was the same that had been followed by Santa Anna until they neared Lynch's Ferry, where they halted, and where the famous battle took place.

Many refugees were encamped at no great distance, and heard the sound of the cannon, while waiting in great anxiety to learn who were the victors. Some were clustered together on Galveston island, where their temporary shelters of calico, domestic, and sheeting, stretched as awnings over sun-browned women and children, gave them a gypsy-like appearance. Newly arrived volunteers from New Orleans lent an important military air to the environs of little Fort Travis at Galveston. Finally, on April 26, all were summoned to approach the government headquarters when the bearer of dispatches from the army arrived—Benjamin C. Franklin was the messenger of good tidings.<sup>22</sup>

<sup>22</sup>It usually strikes the reader of Texas history with surprise, that, while the battle of San Jacinto took place on the afternoon of the twenty-first of April, the news did not reach the government headquarters at Galveston until the morning of the twenty-sixth, four days and a half after the event. A detailed account of the manner in which the news was carried by means of a row boat, was obtained by me from John Iiams, one of the rowers. Judge Franklin bore the dispatches, and

The joyful news of victory was received with a wild outburst of shouts and hurrahs. It was unexpected, for, most gloomy forebodings had marked the weary days of waiting on the island. Mingled with this heartfelt joy, however, was disappointment, that Santa Anna had not fallen by the sword or been riddled with musket balls; or, failing these most suitable means for his ending, how would their joy have been doubled, if following the news of victory had come the announcement of his military execution. The people were crazy with thirst for revenge. The refugee citizens, for the most part, made preparations to return to their homes and make the best of their late losses. But, the feeling among the troops became daily more intense, and President Burnet eventually became the target for their most bitter denunciation. After his removal with the cabinet and the prisoner, Santa Anna, to Velasco, and the conclusion of the treaties between them on May 14th, the violent outbreaks on the part of the troops manifested their unbridled temper, and caused the friends of Burnet to fear for his personal safety. The painful circumstance of the forcible interference of the military (mostly newly arrived volunteers), in preventing the government from carrying out article 10 of the treaty of Velasco, is recorded with reluctance by the historian. The two letters in the note below are of interest in this connection.<sup>23</sup>

Iiams was assisted in rowing by two others whose names are not remembered. He said they did not dare to venture out into deep water, but skirted the shore as closely as possible. Not being sufficiently furnished with cooked provisions to make the trip without stopping, and having neither space nor utensils for cooking on board, they had to stop along the shore to cook their scanty meals.

<sup>23</sup>The original of the letter from A. Briscoe was obtained from Mrs. Gertrude Hobby, widow of A. M. Hobby, December 5, 1899. Mrs. Hobby was then living at Ennis, Texas. Burnet's reply is among the papers of A. Briscoe.

"Galveston, Fort Travis, May 19th, 1836

"Dear Sir:—

"Availing myself of the privilege of a friend, I must take the liberty of warning you of the excitement of the people. We have received information here of extraordinary liberty allowed the prisoners under your eye, and knowing the natural benevolence of your character, I do not hesitate to believe it, I may pretend to know better the character of these people of Texas than you can, as well as the motives and principles which actuate the worse part of mankind, which you, having no feeling in common cannot pretend to understand. If Santa Anna is not spared for some evident political advantage, the people will not be satisfied without a trial. If he has not violated the laws of nations by his conduct toward Fannin's Division, he has at least violated the laws of

The difficulties which encompassed President Burnet in preserving his prisoners from violence are well known historical facts, and his supposed leniency was so repugnant to the feelings of the mass of people, that his friends considered his life in jeopardy. It was not until after the election of General Houston in the fall of 1836 that the popular anger had sufficiently abated for reason to assume sway, and Santa Anna was released and allowed to pursue his journey under guard to Mexico, via Washington, D. C.

The summer and fall of 1836 were signalized by an element of unrest almost as great as that of the preceding year when the

this country by a deliberate murder, for which he must be tried, if not spared for some great political advantage.

"You have taken the responsibility of his safe keeping; the people will hold you personally responsible, and the world will not afford you a place of concealment if he or any of his suite should under any circumstances escape. This is from one who loves you much, the country more; who has the same feelings of the people, without their exuberance or suspicion; taking the liberty to subscribe myself with the highest respect and esteem.

"Your very Ob's Serv't

"A BRISCOE."

To this President Burnet replied:

"Velasco May 21st, 1836

"My Dear Sir:—

"Your favor of the 19th inst. is just received. It gives me an unfeigned and somewhat *unusual* pleasure to be had in Texas, to recognize in your letter feelings and the sentiments of genuine, unsophisticated friendship. It is a manifestation that is peculiarly gratifying to me at this time. You will, therefore, accept my sincere thanks for it.

"I am not aware that any extraordinary privileges are granted the President, Santa Anna. He and his suite are confined to a small house, which is constantly patrolled by a guard consisting of two soldiers with the usual reliefs. He is treated, I believe, with the respect due his rank and condition. This is in accordance with my views of propriety, and for this I am *willing* to be responsible before the world.

"If he should escape, an event which I do not think at all probable, the *fault* will not be mine, but I *am* sensible the responsibility would, however unjust the imputation would be.

"I have from the beginning strenuously opposed the murdering policy, and so long as I retain a sense of my paramount responsibility to my God, I will continue to do so, though every man in Texas act otherwise. The idea of a judicial trial is too great an absurdity for sensible men to entertain. The Chiefs of beligerent nations have never yet been thought amenable to the Courts of the *enemy* Country, for any of their official acts. A cold blooded massacre, even when it might be justified by a rigid interpretation of the *lex talionis* would elevate either the moral *reputation* or the actual moral feelings of the people of Texas. It would be revolting to every feeling heart throughout the world, and I have yet to learn any one benefit that would result from it. Santa Anna *dead* is no more than Tom, Dick or Harry *dead*, but, living, he may avail *Texas* much.

revolution was brewing.<sup>24</sup> While the battle of San Jacinto brought a temporary feeling of security, there were persistent rumors of preparations for a new invasion: volunteer companies were constantly arriving from the United States, and while they were warmly welcomed on Texas soil, their lack of discipline often promoted disturbances, and delayed the establishment and enforcement of the sorely needed laws. Mexican cruisers in the gulf

"From these brief terms, you may deduce my views. I know the popular jealousies, that men are always ready to impute to others the atrocities which they themselves are capable of, and are slow to believe that others can act from higher and purer motives than influence themselves. Such men are found all the world over, and they are not scarce in Texas. But I hope better things of *others*, and am willing at all times to submit my public and private conduct to their judgment. The future good of Texas is my single object; thus far, I have absolutely neglected all my private interests even to the present *comfort* of my little family to promote that object,—if my efforts fail, the misfortune will be mine, but

A guilty conscience  
I will avoid, Err  
I may, but I do not  
intend to err.

"Finding a brief leisure, it gives me pleasure to write this much to one to whose honor and sincerity I have implicit confidence and who I trust will believe me to be

"His friend and St

"DAVID G. BURNET."

"CAPT. A. BRISCOE,  
"Galveston."

\*A spirited letter from Col. James Morgan, who was stationed on Galveston Island, and had in charge many of the prisoners captured at San Jacinto, illustrates well the general feeling of insecurity as to probable invasion, and also the undertone of incredulity as to the future of the new town of Houston, which then existed only on paper.

"Galveston, Sept. 30, 1836

"Dear Sir:—

"Since the receipt of yours of the 8th, if I have had an opportunity of answering it, I have not been aware of it. I have had nothing important to communicate. The account you gave of the election did somewhat surprise me. Hurrah! for Capt. Bob! There can be no doubt of General Houston's election to the presidency, and less of General Lamar's to the Vice presidency.

"You have no doubt heard how the election went on the Brazos. I have just returned from Velasco. The Flash was there and has nothing for you. She will be here today, is now in sight with a fair wind, which has been ahead a day or two.

"I presume your correspondent in N. O. did not send what you ordered in consequence of her advertising for Velasco, though she has brought articles for Gov. Zavala. The Kos will probably bring yours; she will be here without doubt in ten days.

"The Independence, Com. Hawkins, arrived at Velsaco, just before I got there. He was chased on the coast of Mexico for 10 or 12 hours by

gave chase to the poorly equipped vessels of the Texas navy, and the people of the coast country were kept in dread of war from without, and internal commotion by the discontented Texas army.

armed Mexican brigs and one schooner, but made his escape. He learned their names on the coast. In all they carry 27 guns. He was informed off Matamoras that 4000 Mexicans were on the march for Texas, 2000 of which were cavalry: Carnes and Teal have escaped and are at headquarters of the Army. They bring news of more troops raised in Mexico for this country, headed by General Bravo and Valencio.

"We shall have warm work yet. I am glad to hear of the brisk trade you have and that the health of the country is getting better: I have my doubts whether the Colonel will ever be able to get his mill agoing, notwithstanding his industry and perseverance.

"I had heard of the high times at Harrisburg. The new town of Houston cuts a considerable swell in the paper. I wish its projectors and proprietors success with all my heart. It will injure Harrisburg City greatly when it gets into successful operation. Property must begin to depreciate there already. As for New Washington and Lynchburg, Scotisburg and all the other burgs, not forgetting Powhatan, all must go down now. Houstonburg must go ahead in the *newspaper at least*.

"I have had on the Island the secret agent of the United States. Next Congress will not attach us to the Union, I think. A spy has been on the Island likewise—A letter from him to General Urrea has been intercepted at New Orleans. I expect soon to go to the United States. Have you any commands?

"Truly and Respectfully yrs

"J. MORGAN."

"CAPT. A. BRISCOE."

ALLEN'S REMINISCENCES OF TEXAS, 1838-1842

EDITED BY WILLIAM S. RED

II<sup>1</sup>

Rockville, Ind., April 15th, '79.

*The Men of Galveston Forty Years Ago.*<sup>2</sup>—Gail Borden was a collector of customs. He occupied a rambling old building near the landing. There was no wharf then. We rowed as near the shore as a small boat could go for the mud. Then, we mounted a sailor's back, and in this way he staggered out to dry land at the imminent risk of slipping on the slimy bottom and letting us down in the water. Gail lived then far out of town towards the Gulf. He made me feel at home whenever I was in town. He was one of the noblest men and friend of religion, although not then a member of a church. He was one of the first members of the Baptist Church, organized, I think, in 1841. Dr. Levi Jones was another staunch personal friend, at whose house I found a home whenever I was in town, after his family came to him in the summer of 1838. I had known him in Kentucky, where he was a medical student. He married a member of the church in which I was brought up.

Then, there was Moseley Baker, a many sided man, one of my most generous friends. He subscribed one thousand dollars to build the first church in Houston. His wife was a Presbyterian. He was then far from being a religious man. But in 1846 I met him in Kentucky. He was then a Methodist preacher and seemed truly a devout man.

McKinney and Williams were the principal business men of the place. [Thomas F.] McKinney was a man of extraordinary energy. He did not wait to be carried out from a boat on a sailor's back, but generally waded out. It was said of him, that wishing to go south from his home, away up on the Brazos river,

<sup>1</sup>The first installment of these reminiscences appeared in *THE QUARTERLY*, XVII, 283-305. For circumstances of their original publication see *Ibid.*, 43, note 1, and 283, note 1.

<sup>2</sup>*Texas Presbyterian*, IV, No. 9. April 18, 1879.

the streams being high, he launched a pig trough on the Brazos and floated down to the Gulf.

The water of Galveston in those days was very poor. Cisterns were few. The shallow wells in the town were brackish; what was gathered in barrels in the [sand hills in the] Gulf shore was not much better. The rain water from the pond back of the town would get muddy. When the steamer from New Orleans came in, almost everybody rushed on board to get a drink of Mississippi water, and the water jar would be soon emptied.

*Hugh Wilson.*<sup>3</sup>—Hugh Wilson was the pioneer minister of the Presbyterian Church in Texas. W. W. Hall had preceded him, but he was only a licentiate. He acted as Chaplain of the Senate during a part of the First Congress of the Republic, and then left the country and returned to Kentucky. But he organized no church and did no stated service of preaching. But Wilson went to Texas to stay. He had been associated with W. C. Blair in missionary service among Choctaw or Chickasaw Indians in Mississippi. He had a family, a wife and several daughters, as lovely a family as I ever met with. He entered the Red Lands, in 1837, and soon organized the First Presbyterian Church in Texas near San Augustine. In 1838, he removed to Independence, where I first met with him in 1839. He had already gathered a little band and organized a Church. He was then teaching in the Independence Academy. During my sojourn in Texas, I made him several visits, to assist him in preaching, and took part with him in the organization of the Brazos Presbytery, in 1840. In response to his suggestion, four of us, i. e., Wilson and McCullough and myself, ministers, and Elder McCorkle [John McFarland], met in a small school house near Capt. Chrisman's and soon completed the organization. The great evangelist, Daniel Baker, came along while we were together, and spent more than three weeks, including four Sabbaths, in preaching, sometimes together and sometimes apart. I went as far west as Fullers,<sup>4</sup> and Baker as far east as Washington. The results of these labors was the professed conversion of some thirty persons, many of whom united with the Presbyterian Church and some with the M. E. Church. Wilson had rather a feeble voice and

<sup>3</sup>*Texas Presbyterian*, IV, No. 11. May 2, 1879.

<sup>4</sup>Long Point.

hesitated in his speech, but he was sound in doctrine, and affectionate and persuasive in manner, and a man of loving spirit. I write this as a memorial of many pleasant hours spent in the family of Hugh Wilson. If any of his children are living, perhaps their eye may light on this slight tribute from an old friend of their father.

(Our Crawfordsville [Indian] Presbytery met last week. Two of our most aged ministers have passed away, since our fall meeting. Nine years ago there were six on our roll, my seniors in the ministry, now there is but one. "*Tempora mutantur, etc.*")

Rockville, Ind., May 12th, 1879.

W. C. Blair.<sup>5</sup>—In my last, I gave some reminiscences of Rev. Hugh Wilson. If it was published I have not seen it. Can any reader of the *Texas Presbyterian* furnish any information respecting the life, labors, and death of the Rev. Wm. C. Blair. I met him in Houston forty years ago last winter, during the first [adjourned] session of the Second Congress of the Republic. He spent two or three weeks in Houston, making acquaintances among the members and visitors. He went to Lavaca, and I think spent the remainder of his life in that region. In 1857, he was living at Green Lake. He was the fourth of the pioneer ministers of the Presbyterian Church in Texas. I never met with him after he left Houston in 1839. Dr. W. E. Schenck of Philadelphia is Secretary of the Princeton Alumni Society. He is preparing biographical sketches of all the deceased alumni of the Theological Seminary of Princeton. He wishes to learn all that can be furnished about W. C. Blair, an alumnus of the Seminary, from 1818 to 1821. Can any one give the desired information, or inform Dr. Schenck or myself of some one who can?

W. W. Hall.—W. W. Hall, M. D., a licentiate of Ebinezer Presbytery, a graduate of Centre College, of the class of 1829, was in Texas soon after the Republic was organized. He was Chaplain to the Senate of the First Congress, that met at West Columbia. He was a native of Paris, Kentucky. We called him little Hall while in college. He was educated by a rich grandmother, who died in 1837, when Hall left Texas to receive a handsome legacy, and administer on his grandmother's estate. He and

*Texas Presbyterian*, IV, No. 15. May 30, 1879.

his brothers launched out into vast speculations, and soon lost all. He, then, went to Europe and studied in hospitals, and returned to the United States. Spent summers in Cincinnati and winters in New Orleans practicing on throat and lung diseases. After several years, he went to Philadelphia, married a rich wife, settled in New York, established *Hall's Journal of Health*, made it a success, and died suddenly in the street, two or three years ago.

*Saloon Marriage, etc.*\*—Temperance has had a long fight in Texas. I think it doubtful whether "The Moffett Bell Punch" will be of any service to the cause. A saloon was the first institution in Galveston. It was there as early as 1838. In Houston, it was cotemporary with the Old Capitol. Tom Hoffman was running the Octagon as early as March, 1838. The concern was an octagon boarded up about ten feet, and from the top of this structure a tent was strung up for a roof. It stood upon the principal street (Congress) about a square from the Capitol, very convenient for those who sought their refreshments at its bar. "Refreshments" was General Houston's word in those days. More than one decanter was smashed by a pistol ball in the same place. In 1840, Tom Hoffman married a handsome play actress, whose husband had committed suicide. He was a drunkard. Tom had me to perform the marriage ceremony. His bride, an English woman, desired the Episcopal service, at least the ring part of it. I complied, but got no marriage fee. His wife staid with him about six weeks, made him give her a thousand dollars that she might go to England for her young son. She returned to the States, but not to Texas nor to Tom. Married a man in Georgia, who sued for a divorce when he learned that she still had a husband in Texas.

One of the wickedest men I saw in Texas, he was a drunkard, too, told me he had been ten years a preacher of the gospel. A Senator of the Second Congress was expelled for drunkenness, and was forthwith re-elected and came back to his seat again.

I learned by a postal, from the first Elder of the Houston Church, that only he and one other of the original ten are left among the living. How I would like to look in upon that Sunday School which I helped to start with twenty-six pupils, just

\**Texas Presbyterian*, IV, No. 17. June 13, 1879.

forty-one years this month, that has lived so long, and into the old church building, that I begged so hard for in Kentucky, and dedicated in 1842, thirty-seven years ago. I would like to see the difference between then and now, in the Island City, and in the Old Capital of the Lone Star Republic.

Rockville, Ind., June 10th, '79.

*Littleton Fowler, Alexander, Ruter.*<sup>7</sup>—I would like to say a few words concerning two pioneer ministers, brethren beloved of the M. E. Church. Littleton Fowler, of the Red Lands, had preceded me to Texas. He was Chaplain to the House of Representatives of the First [Second] Congress. He came to Houston to attend the adjourned session of that Congress, which met in April, 1838. I had lately before arrived and was chosen Chaplain of the Senate in place of W. W. Hall, who had gone back to Kentucky. Fowler was sick most of the session, so I had to perform the office of Chaplain most of the time for both Houses. He was a good preacher and an excellent man. I met him at a campmeeting in Washington County. He was reported dead, in 1839, and had the comfort of reading a eulogy in which it was said "a great man had fallen in Israel." His memory was fragrant for years with the Texas Methodists.

[Robert] Alexander came from Mississippi, in 1838, a fine preacher and good man, who made friends wherever he went. I attended a campmeeting with his Church, near Ruttersville, in Oct., 1839, where the brethren had a good time. Ruttersville was then the seat of a college, established the year before by Dr. [Martin] Ruter, who had been President of Augusta College, Kentucky. The Dr. had gone to Texas, in the early part of 1838, to explore for a college, so early were the Texas Methodists moving in the matter of education. He selected the point afterwards called Ruttersville, not far from LaGrange. He was occupied sometime in making arrangements to start the college, and started home to Kentucky, when he took seriously ill and died in April, 1838. The College had a slow growth for several years, and, in 1857, it was running as a military Institute under Prof. Allen, whom I had known as a Methodist preacher and teacher in Kentucky.

*Texas Presbyterian*, IV, No. 19. June 27, 1879.

"*Daddy Spraggins.*"\*—My duties as Chaplain to the Senate of the First [Second] Congress of Texas had ceased upon the adjournment of that body, May, 1838.

I, then, set off to explore: First, to Galveston, where I had landed some two months previously. Finding the little steamer *Correo* bound for the mouth of the Brazos, I took free passage (as I did on all steamers during my four years sojourn in the Republic). I spent a Sabbath at Velasco, preaching once in the school house, the only place for public meetings in the village. I have occasionally made mention of my being the only minister of the gospel within a hundred miles of the coast from June to November of 1838. Sometimes I made one exception, viz., that of an old "Hard-Shell," then generally known as "Daddy Spraggins." He was from Old Virginia, by way of Mississippi, a cordial hater of all missionaries and benevolent societies. He was living with a son-in-law, who kept a hotel, at which I stayed two or three days. When the old man found that I was not sent to Texas by a missionary society, he could tolerate me and hear me preach on the Sabbath. He was an old man of immense egotism. He entertained me by the hour, telling me of dreams and remarkable impulses in his experience and how he had in Mississippi put to rout the Education and Temperance Societies, etc., which had got into some of the Baptist Churches, by a single discourse from the passage where Elisha has sent the young prophets to gather vegetables for their dinner, and some gathered "wild gourds" which poisoned the mess. The wild gourds were the benevolent societies, which were poisoning the Church. That sermon, he said, did the business as far as the Baptist Church in Mississippi was concerned. It was said, that the wild young men would occasionally get him to preach,—that, before preaching, they would take him to a saloon and treat him liberally, after which he would become very lively, that the boys would clap hands and applaud vigorously, greatly to the delight of the old man. He was the only hard-shell preacher I met with in Texas. I heard of Parker, the Two Seed Baptist, but never met with him.

\**Texas Presbyterian*, IV, No. 22. July 18, 1879.

Rockville, Ind., July 14th, 1879.

*Early Days in Houston.*\*—The editorial from the Bayou City has greatly interested me. Compared with what it was in 1838, what a change! In going up the Bayou from Harrisburg, the limbs of the trees on the banks frequently raked the bow and stern of the steamers, as they rounded the bends of the stream. To turn the vessel, the bow had to be pushed up into the mouth of one bayou and the stern forced up round the point into the other. One steamer came up in January, 1841, which was too long to be turned, but had to back down to Harrisburg before it could be turned at all.

Then, there was no market house, but what market the city had was held in an open space. Then, the only halls for public meetings were the halls of the old Capitol. There was no organized Church until the spring of 1839. We started the first Presbyterian Church with ten members—James Burke, Ruling Elder. There was no church building, until 1840 [when] the first house of worship was commenced, which was finished and dedicated in 1842. In 1841, I spent several months in Kentucky, fighting the chills, getting married, and collecting money, six or seven hundred dollars towards paying the debt of the church. Then, there was no railroad nor any public conveyance, except steamboats, in the Republic. Then, there was no Sabbath School, nor Temperance Society. In 1840, we had a lively railroad meeting in the old Senate Chamber, at which General Baker made a vigorous speech and which the masons attended. After the speech, a large procession was formed, the Masons heading it. A little way Southwest of the Capitol, General Baker dug a hole with a spade. I acted as Chaplain on the occasion. A board was planted with due Masonic ceremonies, and the crowd dispersed. The railroad was to go to Richmond. Seventeen years afterwards, I rode six miles on that railroad (all of it that had then been made) to a Sunday School picnic. Houston had a theatre before she had a church. Then, in 1838, there was one small brick building, which the Allens used as an office. Then, it was a long walk from the Capitol to Woodruff's, near the old graveyard, where several of us boarded, during the ad-

\**Texas Presbyterian*, IV, No. 23. July 25, 1879.

journed session of the First [Second] Congress, viz.: General Burleson, Anson Jones, Wharton, and one or two other members of Congress, and W. Fairfax Gray, Clerk of the Senate. Then General Houston occupied the Presidential mansion, a small cottage of three or four rooms not far from the Capitol.

In 1840, a large banquet was given General [James] Hamilton of South Carolina in the old Senate Chamber, when, for the first time, I tasted turtle soup: I never wanted to taste it again. Then, the Houston water works was a cart with a large vessel, which brought water from the Bayou and sold it by the bucket full. Occasionally, there was a large vessel under the eaves of the house; there was a large one at the Capitol, where we were glad to get a drink of rainwater until the wiggletails would get too thick; we liked rain water better than that from the Bayou. Many of the houses were made by setting poles in the ground four feet apart and boarding them up with split pine boards.

[In a letter to his wife, February 17th, 1842, Mr. Allen thus describes the dedication of the first church building in Houston]: "The last Sabbath I preached a dedication sermon in the new church at Houston. The congregation was large and well dressed and very respectful. The music was very fine. The choir consisted of some twenty-five or thirty persons, two bass viols, a violin, a flute, and claronet, all well played, and some of the voices very fine. The whole services appeared to afford great satisfaction to all present."

Rockville, Ind., Aug. 4, '79.

*First Communion Sermon Preached in Houston.*<sup>10</sup>—Dear Bro. Bunting: In reply to your postal, I have made careful search for the sermon preached at the organization of Brazos Presbytery but I cannot find it. Many years ago, I sent the original Minutes of Brazos Presbytery to the "Presbyterian Historical Society" for the library at Philadelphia, and I have an impression that I sent that sermon with the Minutes to the Library. I send the sermon preached at the first communion I ever administered. The Church in Houston had just been organized with ten members, James Burke, Ruling Elder. I suppose the first communion by Protestants in the Republic was administered by

<sup>10</sup>*Texas Presbyterian*, IV, No. 27. Aug. 22, 1879.

Rev. Hugh Wilson, in the Church he organized near San. Augustine, and that the one in Houston was the second. You will see it was forty years ago, last April, and I am still able to preach two or three times on the Sabbath as I have opportunity, though I have no regular work. I send the sermon<sup>11</sup> just as it was written forty years ago. You can use it or not at your pleasure.<sup>12</sup>

Rockville, Ind., Aug. 18th, 1879.

*Lamar and Houston.*<sup>13</sup>—In the prospectus for the new history of Texas, I notice several pictures of notable men and buildings. Those of Generals Houston and Lamar, so near together, remind me of an incident in their official lives when they were personally close together—the former going out of office and the latter just coming into the same. A great crowd had assembled to witness the inauguration of Lamar as the second President of the Republic. It was expected by his friends that his inaugural would be a politico-oratorical production, as he had the reputation of being a fine writer and poet. General Houston had no liking for Lamar, who had defeated him for the Presidency.<sup>14</sup> The time for the ceremony had arrived. Houston, knowing something of Lamar's nervousness, took occasion to make an exaugural, reviewing at great length his administration, and, by the time he was done, Lamar had become so nervous that he could not read his inaugural, and had to commit it to his private secretary, Algernon Thompson, to be read to an exhausted audience.

The capitol in which the first Congress of Texas met was not the large fine building in Houston, according to the prospectus, but was a much less pretentious structure in West Columbia. I

<sup>11</sup>The sermon is here omitted.

<sup>12</sup>The manuscript has this note on the first page: "Delivered April 14th, 1839, and the sacrament of the Lord's Supper administered for the first time in the City of Houston, at 4 p. m., members of other Churches participants.

W. Y. Allen."

<sup>13</sup>*Texas Presbyterian*, IV, No. 28. Aug. 29, 1879.

<sup>14</sup>Correction.—In a recent article I committed an error, which I wish to correct, as my attention has been called to it by a gentleman of Lockhart. In my notice of Generals Houston and Lamar, I ought to have remembered that Houston could not have been a candidate at that time. The Constitution prohibiting any one from serving, as President, more than one term at a time. The unfortunate Col. Grayson was Lamar's opponent in 1838.

A.

preached in it several times, organized the Columbia Church in it, administered the ordinance of baptism and the Lord's Supper, ordained an elder and married a couple in the first Capitol, in 1840. Soon after the first meeting of the First Congress, the Houston Company located Houston, built the second Capitol, gave it to the Government, which removed to Houston, in 1837.

We had one grand good meeting in the old Capitol when eight other persons were received on profession, when a grandmother and mother and child were all baptised at the same time, a bright spot in the history of my ministry.

*Thornwell and Smyth.*—Though not a Texas reminiscence, I wish to speak of two men not much my seniors, who became noted in the Church, viz: Thornwell and Smith. The latter, I met in Charleston, in Nov., 1836, in company with several members of the then Charleston Union Presbytery. These were, Dr. W. A. McDowell, Benjamin Gildersleeve, Thos. Smyth, Gilchrist, and perhaps some others, bound for the meeting of their Presbytery at Beach Island church. Six or eight miles below Augusta, on the South Carolina side of the Savannah river, we went on the old South Carolina Railroad, which was then nearly worn out, the longest road in the United States when built. It took us nearly a day and a half to go to Augusta, one hundred and thirty-six miles. After a pleasant meeting of Presbytery, we were joined by Professor Howe and Leland and others, to the number of nine, all ministers but one, filling a stage, from Augusta to Millidgeville, to attend the Synod of South Carolina and Georgia. Thornwell and Smyth were just beginning to attract the attention of their brethren, as young men bound to rise in the Church. Nor did they deceive the expectation. Smyth had married the daughter of a merchant prince of Charleston, was settled in the principal Church in the City, gathered one of the best private libraries anywhere to be met with, and turned his attention to authorship. He wrote largely against Prelacy and in favor of Presbytery. He was a most entertaining companion in travel. Paralysis laid him aside for several years before his death. Thornwell had a steady growth in power and popularity, especially with the pro-slavery interests of the South. In Millidgeville, in 1836, he was beginning to show signs of coming power over men. In 1845, I saw him in the Assembly in Cin-

cinnati, where he was conspicuous in the Catholic Baptism controversy. Sabbath, after the Assembly adjourned, I saw him baptise the wife of a pastor, near Lexington, Ky., who had been baptised in her infancy by a Romish priest. I next saw him in the Assembly of 1859, in Indianapolis, and, the next year, in Rochester, N. Y. Of lank and sallow appearance, with long black hair, there was not much attraction on first sight, but among men he was *primus inter pares*.

Rockville, Ind., Oct. 11th, 1879.

*Churches of Houston and Galveston.*<sup>15</sup>—I have not felt such warm October weather since I left Texas, in 1842. The mercury has reached from eighty five degrees to ninety, every day this week. It is very much such weather as Oct., 1839, when the Yellow Fever was so bad in Houston and Galveston. Sad indeed were the breaches made that season in the two nascent cities.

And the churches of the two cities are to be vacant. McNeely goes to Nashville, but where is Bunting to go? I suppose neither of you will be long without a successor. I should find it different now from what it was when the little Galveston congregation went vagabonding for a place to worship, from the old Navy Yard to the part where the lower wharf was afterwards built. In Houston, we were less locomotive, as we had the old Capitol, the one place where all sects were wont to occupy—Presbyterian, Episcopal, Methodist and Roman Catholic. How happy our little society felt when, in 1841, they got into their own house! For months, Chapman the Episcopal and I alternated in using the old Senate chamber for public worship. How well I remember the stimulating effect of the fixed attention of good Mrs. Gray, an Episcopal lady who was hard of hearing, who generally sat in the near front and seemed anxious to catch every word.

Mrs. Riley, another Episcopal, was a good listener.

There was another couple, Episcopals, the husband a lawyer, both well educated. The young lawyer in conversation once remarked to me sadly that his religion did not seem to aid him in his wordly interests. He became discouraged. They went back to New England. In after years, his name was frequently mentioned among the advanced thinkers of Boston. I have often since

<sup>15</sup>*Texas Presbyterian*, IV, No. 36. Oct. 24, 1879.

thought of his remark, as throwing light on his after history. If his religion would not advance his wordly interests, he would let it go and take up with spiritism or blank infidelity. "Does Job serve God for naught?" With Job it was principle not lucre, with others it is otherwise.

Rockville, Ind., Dec. 4th, 1879.

*Dr. John C. Breckinridge's Reminiscence of Daniel Webster.*<sup>1\*</sup>  
—In 1840, Dr. John Breckinridge visited Texas. During his visit to Houston, the Dr. and the writer were invited to dine with Col. Albert Sidney Johnston, then Secretary of War under President Lamar. The occasion was a very pleasant one. Several other gentlemen were present. The conversation was varied and cheerful. Among other topics, the Dr. gave a reminiscence of Daniel Webster. While Dr. Breckinridge was Chaplain to Congress, he was much interested in the Sunday School cause in Washington. He had gotten up a mass Sunday School meeting, and had gotten a promise from Mr. Webster to deliver an address on Sabbath School work. A large congregation had assembled. Many had come to hear Webster. He came in rather late and took a seat in the back part of the house. He looked tired. The Dr. went to him and invited him forward. "I can't speak," said Webster. "But you must speak," said the Dr. "That is the language of an emperor," said Webster. "And it is the language of a beggar," said Breckinridge. At this, the great man relaxed and, smiling, went forward and commenced with these notable words: "All great things are simple. The Sunday School is the simplest of all great things. It simply proposes to put the Book of God, on the day of God, into the hands of the creatures of God." And much of his speech contained many like propositions. The Dr. thought the simplicity and power of the effort was scarcely exceeded by any effort the "great expounder" had ever made. Let Sabbath School workers ponder those sentences "The Book of God, on the day of God, in the hands of the creatures of God."

<sup>1\*</sup>*Texas Presbyterian*, IV, No. 44. Dec. 19, 1879.

Rockville, Ind., Jan. 28th, 1880.

*Rev. John McCullough.*<sup>17</sup>—The Rev. John McCullough was a Princeton student, in 1830-32, was licensed by the New Castle Presbytery, was ordained by the Presbytery of Newton, preached for short periods in each Presbytery. In Nov., 1838, I met him for the first time in New Orleans. We went together to Texas, where I had spent the previous spring and summer and was on my return from Alabama, where I had recently been ordained as evangelist for Texas. Soon after our arrival at Houston, the Second [Third Congress] Congress assembled, when we were elected chaplains, he to the Senate [Third Congress] and I to the House of Representatives. We remained in Houston during the session, preaching alternately when there were no strange ministers on hand who were anxious for a hearing. At the close of the session, in May, 1839, McCullough went to Galveston, where he remained during the remainder of 1839 and 1840. During this time, we met frequently either in Houston or Galveston, preaching for one another as occasion offered. During this time he gathered the Church at Galveston and reported it to Brazos Presbytery, at its organization. He was one of the three ministers who, with one elder, constituted the Presbytery, and was its first Moderator. This was in May, 1840, and we had another meeting in the fall of the same year, the last meeting that I attended. The latter part of 1841, he was preaching in Columbia, where he married. I never met him after Jan., 1841. I do not know how long he remained in Columbia. He went from there to San Antonio, and while there the adobe church was commenced, which it seems was never finished.

From San Antonio he returned to Galveston, where he and one or two of his sisters opened a Female Seminary. He built a large edifice for his school. The enterprise proved a financial failure. In 1857, when I was last in Galveston, the building was occupied by General Sidney Sherman, as a hotel. McCullough had retired into the interior of Eastern Texas, and, after 1860, his name was found no longer on the minutes of our General Assembly. Dr. Wm. E. Schenck, of Philadelphia, would be glad if any of McCullough's later contemporaries would furnish him

<sup>17</sup>*Texas Presbyterian*, IV, No. 52. Feb. 13, 1880.

with an account of his later residence and labors for the next General Catalogue of Princeton students.<sup>18</sup> McCullough was a sound, scholarly preacher. He had not much magnetism in his manner. He seemed sometimes, as if he was about to go off into a laugh, while he was preaching. As a companion, he was genial and pleasant. Our preaching at Galveston was a good deal peripatetic, for want of a regular place to preach in, until the first school house was erected. While at Houston, we had the halls of the Old Capitol to occupy as a regular preaching place.

Rockville, Ind., June 24th, 1880.

*Joseph Brown.*<sup>19</sup>—We first met in the Princeton Theological Seminary, in June, 1835. He graduated that autumn. His brother William remained another year. Their brother Henry was in the college the same year. The Kentucky and Virginia students were apt to be drawn to each other. There were then about fourteen students from Kentucky and a number from Virginia.

Joseph Brown was a very serious young man. Not brilliant, but steady and consistent. He left the Seminary, in Oct., 1835. We met only once afterwards, in 1860, at the General Assembly, at Rochester, N. Y. There were four of the Brown brothers members of that Assembly. Of these James and Joseph have passed away.

*Henry S. Foote.*—Henry S. Foote, whose death was recently announced, visited Texas in 1840. He was a man of immense talking capacity. He made a very good temperance speech, in Houston, during his visit there. Temperance was a new subject in Texas then. I spent a day with him sometime afterward, at the house of General Thos. J. Green, at Velasco.

<sup>18</sup>Mr. McCullough's school in Galveston was broken up by the death, by yellow fever, in 1853, of his two sisters, who were assisting him in carrying it on. He remained in Galveston for some time afterwards and then removed not to Eastern Texas, but to Burnet county, where he lived until 1868. There was no church there and he was not regularly engaged in ministerial work, but continued to preach as opportunity offered. He was present at the Synod at Columbus, in 1868, and shortly afterwards removed to Prairie Lea to take charge of a Church, and died a few days after reaching there with his family. Mr. McCullough married a second time, in 1851, and left quite a large family who now reside in Galveston.—Rev. Levi Tenny.

<sup>19</sup>*Texas Presbyterian*, V, No. 21. July 9, 1880.

Dr. Branch T. Archer was of the company. Foote and Archer did most of the talking, while Green and I listened. Dr. Archer took brandy freely, while Foote and I played temperance. Dr. A. was the only man I ever heard undertake to justify himself by swearing in common conversation, by saying he meant to honor God by the use of such language.

Foote's history was a checkered one. Poverty beclouded his last days. Green died in battle. Of Archer's last days I know nothing. And now Foote has gone. How many of the men of Texas, of forty years ago, have left their places among the living! "What shadows!"

Rockville, Ind., Aug. 19th, 1880.

*James Burke.*<sup>20</sup>—My last copy of the *Texas Presbyterian*, received today, announces the death of James Burke. He was one of my earliest Texas acquaintances. He had preceded me to Texas about a year, he going in 1837, I, in Mar., 1838. He was one of my particular friends, during all of my four years sojourn in the Republic. In all my pioneer labors, he stood by me with council and prayers. When, in the early part of 1839, we organized the little Presbyterian Church of ten members in Houston, he was chosen Ruling Elder and installed, and, in connection with the humble organization, he assisted me in the administration of the Lord's Supper; my first administration of that solemn ordinance. The following Oct., when I organized the Church of six or eight members in Austin, he was chosen Ruling Elder of that Church, having taken up his residence in that young city, then in the woods. His stay in Austin was not long. He returned to Houston, in 1840. I met him there on my visit in 1857, when we met for the last time; we, however, have had occasional correspondence.

During the first Session of the Second Congress, Brother Burke was Assistant Clerk of the H. R. Part of the time during that session, he edited a small daily of duodecimo size, reporting the daily doings of the Congress. It was printed at the then new office of Major Whiting. This was the first daily ever started in Texas. The paternity of the daily press in Texas is due to James Burke.

<sup>20</sup>*Texas Presbyterian*, V, No. 29. Sept. 3, 1880.

As a worker for the American Bible Society and Colporter for good books, he did much for the moral elevation of the Texas people. He had been an Elder of the Church in Mississippi, before he went to Texas. He was, by a few months, my junior in years. The notice of his death states that he was worn out, while I am still robust, preach twice on the Sabbath and walk sometimes six miles to fill an appointment. Of "two" the Master says, "one shall be taken and the other left." I would find but few of my former hearers in Houston now.

Rockville, Ind., Oct. 14th, 1881.

*The University.*<sup>21</sup>—The University! Is it coming at last? It is more than forty years since Wm. H. Wharton, a Senator of the second [?] Congress of the Republic, made mention of the subject to me; it was in Dec., 1839. Congress was then in session, and the Senator thought it was time to be taking steps to found a University. There were, then, perhaps, a hundred thousand people in Texas. Dr. Ruter had, as he thought, laid the foundation of a University for the Methodist Church, but he "died without the sight." After nearly twenty years, I passed within sight of a Military Academy, on the ground where the University was to have been. Then, the Baptists undertook to have a University at Independence, with, I think, but a local success. About 1840, Rev. W. L. McCalla came to Galveston and set the Island City all agog on the subject of a great University; and now, after more than forty years, it seems that Galveston would be satisfied with the Medical Department of such an institution. In the meantime, the Presbyterians modestly undertook to found a Presbyterian College, and with but moderate success. The time was not yet for such enterprises, while the people of the nascent state were struggling to secure new homes, and scattered, as they were, over the broad territory. The Wharton brothers, William and John, would have, but for their early death, been foremost in the cause of education. William H. Wharton was a scholarly man, and John Wharton, on what proved to be his death bed, requested me to write a report to Congress for him as chairman of the Committee on Education. I wrote as requested, and the first report made to Congress of the Republic, I suppose, could be found in

<sup>21</sup>*Texas Presbyterian*, VI, No. 36. Oct. 28, 1881.

my hand-writing, except a page or two in the beginning, in the archives of the Republic.

Rockville, Ind., April 4th, 1881.

*Resumé.*<sup>22</sup>—I find that on day before yesterday, April 1st, 1838, forty-three years ago, I preached my first sermon in Texas. On Wednesday, March 28th, I landed in Galveston, then a very small place, a custom house and navy yard, the largest establishments in the place. One old war vessel, The Potomac, constituted the navy of the Republic.

On Saturday, March 31st, I landed in Houston, then the Capital of the Republic. On Sabbath, April 1st, preached three times in the old (then new) Capitol to good congregations. There had been no preaching in the city for a long time. There was then no Church organization of any kind, no house of worship. The Capitol and the Court House were the only places used for preaching: Presbyterians, Methodists, Episcopalians, Baptists, or Roman Catholics had to use the same halls. There was already a theatre, which was generally well patronized, and saloons still more patronized.

Just a year after my first preaching in Houston, organized the Presbyterian Church, the first Church in the city, ten members, James Burke, chosen Ruling Elder.

During the winter and spring of 1839, many ministers of different denominations appeared in Houston, as Dr. John Breckinridge, Prof. Yates, of Schenectady, N. Y., Rev. Stevens, of Boston, Hoes, agent of the American Bible Society, Timon, a Roman priest, Chapman, Protestant Episcopal. The first Methodist Church was organized soon after the Presbyterian by a Bro. Hoard, as also the Protestant Episcopal, all within a month or six weeks. The first Temperance Society and the Bible Society were organized in March, 1839. Sam Houston, Dr. Breckenridge, and Henry A. Foote all made temperance addresses about that time. From my note book, I find that I delivered the first temperance discourse ever heard in Houston. It was on the 20th of Jan., Sabbath evening, 1839.

<sup>22</sup>*Texas Presbyterian*, VI, No. 14. May 20, 1881.

Rockville, Ind., June 15th, 1881.

*Ministers Coming and Going.*<sup>22</sup>—My Note Book shows that, during the winter, 1838-39, there was much coming and going of ministers of the several denominations in Texas. Dr. Ruter was a pioneer Methodist minister. He had fixed the location for his college, and started home to Kentucky and died on the road, before he got out of Texas. In April, of 1838, just after my arrival in the Republic, Littleton Fowler was Chaplain of the House of Representatives of the first Congress. He was a pioneer in the Red Lands. There were two or three visiting ministers during the adjourned sessions of the first Congress. Hugh Wilson was already in Washington County, pioneering for the Presbyterians. After Congress adjourned in May, I was the only minister of any denomination within a hundred miles of the Gulf, until the following November, when the meeting of the second Congress brought quite a number of ministerial visitors; some of whom remained, as W. C. Blair, who spent many years in the region of Lavaca, and McCullough who remained permanently, while Chase of Mississippi and Lawrence and Dr. John Breckenridge, then of New Orleans, and Yates of Schenectady, New York, Presbyterians only made visits; and Horad and Stevens and Fontain and Hoes, Methodists; and Chapman, Protestant Episcopal; and Timon Roman Catholic, were visitors at the Capital. While Breckenridge was in Houston, General Sam. Houston proposed to me to get up a temperance meeting, and that he (Houston) would make a speech. I suppose the General wanted to please Dr. Breckenridge, who brought a letter of introduction from Henry Clay. Houston was anything but a practical temperance man at that time, but we had a rousing temperance meeting. The General got off a good speech and Breckenridge gave one the next evening, and so the cause bloomed into vigorous life.

<sup>22</sup>*Texas Presbyterian*, VI, No. 20. July 1, 1881.

BRITISH CORRESPONDENCE CONCERNING TEXAS

XIII

EDITED BY EPHRIAM DOUGLASS ADAMS

LUSIGNAN TO ABERDEEN<sup>1</sup>

Cambrian House.

*Ryde, Isle of Wight*

12 Avril. 44

Monseigneur.

Je vous prie d'excuser la liberté que je prends de vous écrire sans vous avoir préalablement été présenté mais je ne connais personne, et d'ailleurs j' ai trop entendu parler de votre bonté, pour craindre de vous offenser.

J' ai longtemps vécu parmi les tributs Sauvages du Texas, et principalement parmi les Comanches et les Wakoës. Je les ai laissés avec l' intention de venir en Angleterre éveiller l' attention d' un public généreux, et s' il était possible d' obtenir que votre Gouvernement exigeât au nom de l' humanité, plus de justice de la part des Texiens, envers cette noble race d' hommes qui disparaît tous les jours sous le Bowie Knife et la misère.

Lorsque je laissai les Wigwamps des Prairies, j' étais aussi ignorant que les bons Indiens de la difficulté d' obtenir un accès auprès du grand Monde de Londres: je promis aux chefs des nation alliées de faire des propositions au Gouvernement Anglais et d' implorer La protection. Je vins à Londres où je ne tardai pas à découvrir que les choses se faisaient différemment, alors je souris de ma simplicité, et me préparai à retourner aux grandes Prairies.

Une chose, néanmoins m' inspire le courage de vous écrire Monseigneur; je ne veux pas me reprocher de n' avoir point osé faire une tentative pour Soulager ces Indiens si bons, et si supérieurs au peuple démoralisé, qui les opprime actuellement

Je vois dans les journaux que Mr Tyler machine en ce moment l' union du Texas aux provinces du Sud des Etats-Unis. Un tel événement a été prévu par les Indiens qui sont résolus dans cette circonstance à en venir à une guerre d' extermination. Ils ont

<sup>1</sup>F. O., Texas, Vol. 11.

formé une ligne formidable, comptant plus de quatrevingt mille guerriers, et comprenant toutes les nations sur les frontières de la civilisation, depuis les Dahcotahs (Sioux) du Mississipi, jusqu' aux Pawnees et aux Comanches du Rio Colorado.

Je ne sais pas jusqu' à quel point une réaction si terrible pourrait être désirable pour le bien être de l' humanité, mais dans tous les cas, j' ose Monseigneur, vous adresser une demande: "si le Texas est annexé aux Etats-Unis, et si les Indiens de l' Ouest du Mississipi se lèvent en masse dans le but d' une guerre d' extermination, leur serait-il permis par le Gouvernement Anglais de traverser les frontières des hautes provinces du Canada, pour s' y procurer de la poudre et des armes, et s' y réfugier momentanément en cas d' une défaite dans le territoire de l' Loway.

Je suis jeune, Monseigneur, mais j' ai la Confiance des Nations Indiennes, et si je puis leur donner une réponse affirmative au sujet de la question que je viens de vous soumettre, jamais le Gouvernement de Washington ne possèdera, *de facto* un pouce de terrain, au delà de la Rivière Sabine.

Thaddæus di Lusignan.

A Son Excellence, The Earl of Aberdeen. London.

#### KENNEDY TO ABERDEEN<sup>2</sup>

No. 4.

British Consulate.

Galveston April 18th 1844.

My Lord.

I have the honor to transmit to Your Lordship Copy of a Communication which I have this day addressed to Captain Elliot, R. N, Her Majesty's Chargé d' Affaires to this Republic, (at present in the United States) respecting the expediency of obtaining *early Official Information*, as to any Measures, contemplated, or enacted by the Legislature of Texas, have reference to the Commercial and Maritime interests of Great Britain.

William Kennedy.

The Earl of Aberdeen, K. T.

<sup>2</sup>F. O., Texas, Vol. 10.

KENNEDY TO ABERDEEN<sup>3</sup>

[Enclosure]

*Copy*

Sir,

British Consulate  
Galveston, April 18th. 1844

I beg leave to request that you will endeavour to obtain for me, from the Seat of Government in this Republic, a copy of the laws passed during the last Session of Congress, in order that I may report to the proper quarter all enactments of consequence to our Commercial and maritime interests.

With a view to the public advantage, I would respectfully suggest that, on occasion of the absence from this Country of Her Majesty's Chargé d' Affaires, during the Legislative Session, it might be expedient to have a proper person, duly authorized, to watch over the proceedings, to note whatever Measures promised to prove prejudicial, or otherwise, to British Interests, and seasonably to advise the resident Consul, or Consuls, of the passage of any act that might effect the trade of the Current year.

Congress usually closes its deliberations about the first week of February, and, for lack of some arrangement by which an early and accurate knowledge of the laws may be secured, Shipments may be made from England to Texas under the faith of one Tariff, and arrive just in time to be taxed inopportunately, under the provisions of another.

William Kennedy.

LUSIGNAN TO ADDINGTON<sup>4</sup>

Cambrian House.  
Ryde, Isle of Wight.

May 6th. 1844.

Sir,

I beg to acknowledge the receipt of Your letter of the 4th It.<sup>5</sup> I will remain in England, till I hear something positive respecting the intentions of Prest. Tyler towards Texas.

I humbly hope His Lordship did not think that my address was actuated by any Motive of unbecoming curiosity.—In fact, I have

<sup>3</sup>F. O., Texas, Vol. 10.

<sup>4</sup>F. O., Texas, Vol. 11.

<sup>5</sup>Not found.

lived among the Indians, I feel as they do,—and that feeling is bitter hatred against the dishonest population which is daily intruding into the very heart of our hunting grounds.

If in the course of events the Foreign Office should require an exact Statistic of the hostile Indian population upon the borders of the States, from the Mouth of the Sabine river to the great Dahcotahs tribes, I could furnish one quite correct, together with an insight of the underhand policy of the *Mormons* with the Ioway tribes

The combined Indian Nations, could they but receive powder and flints from the Canadian Military Posts, would soon Master the Country West of the Mississippi. They can appreciate to its real value the boasted power of the United States. They have Witnessed the Black Hawk expedition (1832) and also the Florida War. They are not to be imposed upon by the Indian Agents, In fact they are now aware of their own strength.

Moreover, with the cunning of their wild Nature, they have discovered the difficulties both political and "*financieres*" under which the States are actually labouring.

I see in the News papers, that a Mr Anderson is coming over to England to treat of the Annexation business.—If he is the same Genl Anderson living in San Agostino near the Sabine, and a Speaker of the House of Representatives, a man with red hair, I would pray You Sir, to submit to His Lordship the following request.

T<sup>r</sup> is That during Mr Anderson's transactions at the Foreign Office, not the least hint should be given to him, by which he could suspect that I am in Europe. All these who, in Texas may wish to watch my conduct believed me gone to California, and Mr Anderson knows enough of Indian dealing, not to perceive at once that the Texian "Big heads" have been deceived upon my Movements, ever since 1842. Knowing which, he would send information at home, and many poor fellows, entirely devoted to me, would soon taste "of the Bowie Knife."

The immediate Neighbourhood of Genl Anderson's dwelling is inhabited by halfbreeds and old Mexican hunters—these, unsuspected, furnish me with all kinds of information. Were they to suffer through my means, I would feel it deeply.

During the interviews which the General may obtain at the Foreign Office, His Lordship will perhaps require some accurate information as to the truth of the Statements made by the Texian *Envoi*. This I am ready to furnish faithfully and correctly,—for I am but too well acquainted with all the Secretaries, leaders, and *hoc genus omne* of Texas.

One thing I will beg from the Foreign Office; in the event of the Annexation I have mentioned, the office will know it a long time before the fact is made public.—Could I hope to receive hint, as early as possible, so that I could hasten home and begin operations immediately

You will I hope, Sir, excuse my bad English and still worse phraseology, together with my ignorance of forms in addressing myself to “Superiors,” my only excuse is that among the red men of the Wilderness, I had but little opportunity to become “*au Fait*”

H. U. Addington, Esqr. Thaddeus di Lusignan.

KENNEDY TO ABERDEEN<sup>6</sup>

No. 7.

Her Majesty's Consulate.

Galveston, May 8th. 1844.

My Lord,

As Captain Elliot is, I am instructed to believe, at present in the United States, and has merely left general directions to forward his despatches to the care of Her Majesty's Consul at New Orleans, I beg to enclose to Your Lordship Copy of a Communication which I have addressed to him.—I have likewise deemed it best, under all the circumstances, to transmit a Copy to Her Majesty's Minister at Washington, in the United States.

I also beg to enclose to Your Lordship Copies of two official letters to Captain Elliot, severally dated 5th and 7th June 1843,<sup>7</sup> explanatory of an allusion to the character and object of General Murphy's Mission to this Republic, contained in Enclosure No. 1.

On the 5th of January last, I addressed a despatch to Your Lordship (No 1 of this years series) enclosing Copy of a letter to Captain Elliot (then in the United States) dated January 2d., in which I apprized that gentleman of the fact that parties recently

<sup>6</sup>F. O., Texas, Vol. 10.

<sup>7</sup>See THE QUARTERLY, XVI, 316-318.

arrived from the Seat of Government in this Country, entertained the impression that a Resolution for the Annexation of Texas to the United States, which had been advanced some Stages by Congress, would pass the Legislature. I avail myself of the occasion to state that the Spirit of the Resolution referred to was carried out, and with speed that might well be termed precipitate, by the assembled representatives of the Republic, I enclose copy of a letter<sup>a</sup> from these representatives to Members of the United States Congress, published in the American Newspapers, of whose authenticity I have no doubt, containing an unofficial overture for Annexation. —This letter it will be seen, is dated January 2d of the present year.

The Capacity and experience of General Andrew Jackson, formerly President of the United States, his unquestioned patriotism, and the force of his character give weight to his opinions abroad, as well as at home. On the territorial importance of Texas, he is entitled to speak with the authority of a Man to whom the Subject is familiar. There is historical evidence to show that he was no stranger to the operations for Western aggrandizement which preceded the acquisition of Louisiana by the United States, were subsequently revived, and suspended for some years, in consequence of the alarm produced by what has been called "the Conspiracy" of Colonel Burr. I have heard, and I believe truly, that General Jackson, has used all the influence he possesses with the President of this Republic, as his old political and Military leader to induce him to aid in accomplishing the Annexation of Texas to the Union. —I take leave, therefore, to enclose extracts from the public prints, indicative of General Jackson's sentiments on the question of Annexation, even at the risk of submitting to Your Lordship Matter already communicated from superior Sources, to whose functions the transmission of intelligence purely political, and the comments that naturally spring from it, are exactly and altogether germane.

If I might be permitted to volunteer an observation, respecting General Jackson's estimate of the territorial worth of Texas, I

<sup>a</sup>A declaration passed by Congress, affirming that Texas earnestly desired annexation. The members of Congress were for the moment suspicious of Houston's diplomacy. (Smith, *The Annexation of Texas*, 161.)

would respectfully remark that he has by no means, overrated the value of the Country in a *Military* point of view.

William Kennedy.

The Earl of Aberdeen, K. T.

KENNEDY TO ELLIOT<sup>a</sup>

[Enclosure.]

Her Majesty's Consulate

Copy.

Galveston, May 6th. 1844.

Sir,

The United States', Cutter "Vigilant," arrived at this Port on the evening of the 25th Ultimo, conveying, as the bearer of despatches requiring quick transmission, a son of General Murphy, Chargé d' Affaires of the United States to this Republic.

I have been assured, from a quarter in which I place reliance, that the "Vigilant" has brought official communication of an arrangement entered into by the Government of the United States and that of Texas, by which the former Stipulates to provide a frontier force, and to station Vessels of War in the Gulf of Mexico, for the protection of Texas during the progress of Negotiations and Measures preliminary to it's contemplated Annexation to the Federal Union.

I have been farther assured that, as a sequel to the preceding arrangement, the intention to send Commissioners to the Mexican Capital, to treat for a pacification,—understood to have been entertained by the Texan Executive has been relinquished. I have also been assured that a formal Notification had been transmitted by the Government of the United States to the Government of Mexico, signifying the determination of the former to repel, by active agency, and hostile interference, on the part of the latter, with Texas and it's inhabitants, during the time appropriated to the Negotiations and Measures previously mentioned.

The party from whom I have derived these assurances is the same who, on the 5th of June last year, furnished me with a Report indicating the special character and object of General Murphy's Mission to this Republic, the details of which Report I took instant occasion to impart to you, officially, and the substantial faithfulness of which subsequent events have but too clearly established.

<sup>a</sup>F. O., Texas. Vol. 10.

The general accuracy of the information now supplied to me is fully borne out by Statements of fact in the local Newspapers, whether advocates, or opponents of the Executive.

I am apprized, likewise, of the corroborative fact that a Concentration of United States' Troops, has been ordered to be made at Fort Jessup, which on reference to the Map, will be seen to be only some twenty or thirty Miles distant from the Sabine River, that forms part of the North Eastern Boundary line between this Country and the United States. My informant—in whose fidelity, judgment and discretion I repose the utmost confidence—states that he has learned—"from a source the most authentic"—that two Regiments of Infantry has been ordered to Fort Jessup.

The Americans of Galveston, with but few exceptions, are much elated by the anticipated introduction of Texas into the Circle of Confederated States. So strong is their faith in "Annexation" that lists are going round for Signature, in support of the Claims of Candidates for office under the Federal Government. Names have been subscribed to two Memorials recommendatory of parties for the Office of Collector of Customs at Galveston, under the impression that the expected change is at hand.

By all the European residents who form a considerable proportion of the inhabitants of this place,—the Annexation of Texas to the United States is, I believe, regarded with extreme aversion. If a contrary Sentiment be entertained by any, it is only by the grossly ignorant, or by those, whose character and condition render them indifferent to the future.—The better class of British, and the more stable of the Mercantile Community are disquieted by apprehensions as to the future, and speculated uneasily on the Silence hitherto maintained by those Powers of Europe who recognized the Republic of Texas, and concluded Treaties with her in the capacity of an independent State.

William Kennedy.

Captain Elliot. R. N.

Her Britannick Majesty's Chargé d' Affaires. To Texas.

Care of Her Majesty's Consul. at New Orleans.

*P. S. May 7th.*

The United States' War, Steamer "Poinsett" arrived at this

port to day, from Pensacola, and will, it is said, leave tomorrow, with despatches for Vera Cruz.

W. K.

May 10th.

The United States Frigate "Potomac," arrived off Galveston to-day, and sent in her launch.

[Endorsed.] Enclosure No 1. In Mr Consul Kennedy's despatch No 7, dated 8th May. 1844.

ELLIOT TO ABERDEEN<sup>10</sup>

No. 11.<sup>11</sup>

New Orleans May 10th. 1844.

My Lord,

I have the honor to acknowledge the receipt of Your Lordship's despatches to No. 8 inclusive.

The details of the proposed treaty of Annexation between Texas and the United States are now known to Her Majesty's Government, and Your Lordship will no doubt be fully informed as to the probability or otherwise of its ratification. After the 1st Instant. however, failing the arrival of Texian Commissioners in the City of Mexico, that Government is in a situation to renew hostilities, and it seems possible that early steps will be taken to move forces, at least up to those limits, which never formed part of Texas by an territorial division, except the Act of the Texian Congress. It is noticeable that it was proposed in the Congress of Texas, in their early proceedings, to extend their Western frontier to the Pacific.

Their present limits in that direction are no doubt a moderate modification of those wider pretensions, but it does not appear that there is a better title to the line of the Rio Grande carried up to the 42d degree of latitude, than there would have been to the line of the Pacific.

At all events by this treaty the Government of the United States has formally taken over from the Texian Plenipotentiaries, the whole Country described to be Texas by the Texian boundary Act; that is, a region of vast extent involving an immense part of New

<sup>10</sup>F. O., Texas, Vol. 9.

<sup>11</sup>Elliot to Aberdeen, No. 10, 1844, has not been found. As there is no reference elsewhere to such a Number, it is possible that Elliot by error counted his despatch "Secret" of April 7, as No. 10.

Mexico (it's Capital inclusive) as well as considerable portions of Chichuaha, Coahuila, and Tamaulipas. Within the greater part of which territory no Texian Citizen has ever yet been for any purpose of settlement.

Mr Tyler, indeed, in his late Message states that the question of limits is open for discussion with Mexico. But the treaty itself is silent upon that point, and therefore if it should be ratified and lead either to a struggle or Negotiations with Mexico, the United States would be setting out from these territorial pretensions of Texas. The Government of the United States appears to be under some impression that there will be a movement of Mexican forces within the limits of the territory which it is the purpose of this treaty to make part of the domain of the United States, for they have lately strengthened the American force at Fort Jessup on the Texian frontier, and it is also said that a Squadron is shortly to rendezvous in the Gulf of Mexico. It does not appear to be likely that the treaty will be ratified at present, and I remain of the opinion that it is still in the power of the Government of Mexico to put an effectual end to this long foreseen complication, or to any possibility of it's renewal. But if the policy so often pressed upon Mexico by Her Majesty's Government and other friendly powers, should continue to be rejected, there can be little doubt that these difficulties will soon present themselves again. For whilst there is reason to think that the powerful part of the democratic party in the United States, moved by various motives, will join their political opponents in resisting the present treaty, it seems equally probable that they will at some more convenient moment renew the attempt to secure all that portion of the territory, which it is declared formed part of the Louisiana domain, before the treaty with Spain of 1819, with the consent of Mexico, if it can be purchased, without it, if it is refused. It may, I think, be depended upon, that if Mexico can be induced to acknowledge the Independence of Texas, the Government and people would reject any renewed overtures for annexation to the North American Union. Their recent consent has been less the result of a desire to form part of that Union, than of a belief that the agitation of such

a project would dispose the Government of Mexico to acknowledge their Independence.

Charles Elliot.

To The Right Honorable,  
The Earl of Aberdeen, K. T.

ELLIOT TO ABERDEEN<sup>12</sup>

No. 12.

New Orleans May 20th 1844.

My Lord,

I have had the honor to receive Your Lordship's despatches to No. 10. inclusive.

With the expression of my thanks for the leave of absence I had requested, I have to report that I shall proceed in the course of a few days to the Springs in the Mountains of Virginia, and I would take the liberty to suggest that Communications addressed to the care of Her Majesty's Consul at Boston would reach me in four or five days after their arrival at that place. By the way of the river I could repair to New Orleans, and thence to Texas, in the course of a very short time, and I shall be ready to do so if Your Lordship shall deem it necessary to forward me instructions to that effect.

I have desired Mr Kennedy to forward any informations to Her Majesty's Government, during my absence, which he may judge to be of interest,—But in view of the state of affairs I have considered it right to direct him not to enter into any Correspondence with the Government of Texas respecting their political relations with the Governments of Her Majesty, or of the United States, or of Mexico, and to confine himself strictly to an unobtrusive and prudent discharge of his Consular duties.

I have sealed up the Archives, and placed them in the custody of Her Majesty's Consul at this place, and they are deposited in a fire proof vault. There seems to be a general impression in this part of the United States that there is no prospect of carrying a Measure of annexation, at least during the present Administration.

Charles Elliot.

The Right Honorable,  
The Earl of Aberdeen, K. T.

Downing Street

<sup>12</sup>F. O., Texas, Vol. 9.

KENNEDY TO ABERDEEN<sup>13</sup>

No 9. Her Britannick Majesty's Consulate  
Galveston May 27th 1844.

My Lord,

I have the honor to transmit herewith Copy of two Communications addressed by Me to Captain Elliot,—one having reference to the hoisting of the National Flag at Galveston—the other advertizing to the character of the instructions furnished for the discharge of my duties during the absence of Her Majesty's Chargé d' Affaires.

I would respectfully request Your Lordship's Consideration of the question embraced in Enclosure No. 2.

In the Copy with which I have been honored of Your Lordship's letter to Mr John Macdougall, dated the 18th Ultimo, it is stated that Captain Elliot is "Compelled, from ill health, to return to Europe, on leave of absence"

It appears from Captain Elliot's letter to Me, dated New Orleans, May 20th (twentieth) that he contemplated proceeding to—"Some Northern part of the United States, for the restoration of" (his) "health,"—he having—"by the last Mail received permission" to do so.

Under the presumption that Her Majesty's Chargé d' Affaires will still be found in the United States, I have forwarded the originals of the two enclosures, to the care of Her Majesty's Consul at New Orleans.

William Kennedy.

The Earl of Aberdeen, K. T.

KENNEDY TO ELLIOT<sup>14</sup>

[Enclosure.] Her Britannick Majesty's Consulate  
Copy. Galveston May 25th 1844.  
Sir,

On the occasion of your absence at Havanah, in the Month of May last year, not having been favoured with instructions of any kind by you, I followed the example of the local Authorities and the Consuls of foreign Nations, and hoisted a flag at the Consular

<sup>13</sup>F. O., Texas, Vol. 10.

<sup>14</sup>F. O., Texas, Vol. 10.

Office, on the Morning of the 24th of that Month, in honor of our Gracious Sovereign's birth-day.

After your return to Galveston, in reply to a Communication which I addressed to you, on the subject, you directed me, by letter, dated 17th June—"Never to display the National Flag at all, except in the case of an approach of a force hostile to the Republic."—Whatever my opinions touching the matter might have been, I deemed it my duty to yield implicit obedience to the order, and immediately copied your letter, for future guidance, into the Consular records

It having been the custom for the Consuls of other Nations represented here to hoist their flags on all special occasions, the omission on my part to do so became, from time to time, a theme of animadversion, especially among the residents of American birth, the Consuls of whose Nation are furnished with a Flag, as part of their Official outfit, and are instructed to "hoist it every day, in front of the Consular office unless in boisterous, or rainy weather"

On the death of Judge Eve, late Minister of the United States to Texas, the flag of Texas and the flags of Bremen, France, and the United States were hoisted half mast high, at the respective Consular offices, and I did not escape censure for omitting what the fellow-Countrymen of the deceased Minister were accustomed to consider a becoming and usual indication of respect.—My instructions, however, left no doubt as to the course to be pursued by me, and I have continued to abide strictly by your order.

In a letter which I received from you on the 15th of December last, on the eve of your departure for New Orleans, you reminded me of your "desire that the National Colours should not be displayed at (my) residence or office." My reply to this letter, written on the same day contained the following words:—"While each particular of your directions shall command my most careful attention, I would respectfully observe that I duly recorded for my official guidance the instructions with which you favoured me in a letter dated June 17th 1843."

Some eight or ten days previous to the 24th of this Month, I was waited upon by the Mayor of Galveston, and the United States Consul at this Port, who, in friendly terms, inquired

whether I intended to hoist a Flag on Her Majesty's Birth-day, as they were desirous to unite in demonstrations of respect for the day.—I told these gentlemen—as in your letter of June 17th you directed me to do, whenever the question should be raised—that you—“disapproved of the practice, because it is not usual for Consuls in Civilized Countries to hoist their National Flags”—Conceiving it possible that inferences not Complimentary to the parties whose object was to honour a day dear to every loyal Subject of the Crown, might be drawn from the bare citation of the prescribed reply, I took the liberty of adding such expressions as appeared to me calculated to obviate such an effect.

It not [now?] only remains for me to state that, on Yesterday, being the Anniversary day of Her Majesty's birth, no Consular, or other National Flag, was hoisted in the town of Galveston,—the external Celebration of the happy occasion having been confined to the British Merchant Vessels at present in Port.

William Kennedy.

Captain Elliot, R. N.

Her Majesty's Chargé d' Affaires.

[Endorsed.] Enclosure. No 1. In Mr. Consul Kennedy's despatch No 9, dated May 27th. 1844.

KENNEDY TO ELLIOT<sup>15</sup>

[Enclosure].

Her Britannick Majesty's Consulate

Copy.

Galveston May 27th. 1844.

Sir,

I beg to acknowledge your letter of the 20th Instant, in reply to mine of the 6th in which after stating that you have—“by the last Mail, received permission to proceed to some Northern part of the United States, for the restoration of” (your) “health.”—You direct me, during your absence, to forward any information to Her Majesty's Government which I may “Consider of interest”—while I am carefully to abstain from—“entering into any correspondence with the Government of Texas, upon the subject of their political relations with the Governments of Her Majesty, or of the United States, or of Mexico”—and—“in view of the actual state of affairs”—you are pleased to add—“you cannot too par-

<sup>15</sup>F. O., Texas, Vol. 10.

ticularly press upon" (my) "attention the necessity of confining" (myself) "strictly to an unobtrusive and prudent performance of" (my) "duties as Consul at Galveston."

It would seem, from the exceptional character of a portion of the preceding instructions, that, during your contemplated absence, I should be warranted in corresponding with the Government of Texas upon Subordinate Matters; such, for instance, as questions involving the interests of British Subjects, that might arise within my Consular limits, and, in regard to which—from want of proper redress being afforded by the local Authorities, or from any other cause,—I might think that a representation should be made to the Supreme Government of Texas.

In reference to all cases of this description, I have hitherto held it to be my duty to make *my* representation to *you*, as Her Majesty's Chargé d' Affaires, that you might take such steps therein as you might deem expedient, in accordance with the instructions which you might have received from Her Majesty's Government.

But now—with your intimation of an undefined term of absence before me—unadvised of your wish to continue official Communication with me during that absence,—unacquainted with your intended place of Sojourn—undirected, save by the passages of your letter which I have taken leave to quote—I am constrained to say that, should any cases of the class alluded to arise, I shall be perplexed as to the course to be adopted, wishing on the one hand, so to discharge my duties as to escape the reproach of obtrusiveness, and most reluctant, on the other, to see the interests of my Countrymen suffer for lack of seasonable representation in the proper quarter.

It is my immediate impression that it would not be prudent for me to take any steps for which I have not the clearly expressed sanction of Her Majesty's Government, or of Her Majesty's Chargé d' Affaires, and in the various official Communications with which I have been honored as Her Majesty's Consul at Galveston, I am unable to discover any directions exactly applicable to the anticipated contingency.

Under the circumstances herein mentioned, should any inconvenience, or detriment, be occasioned to the public service, or to individual interests, it would appear to be no more than equitable

that the measure of my responsibility be in strict proportion to the extent of my delegated powers.

In a Communication dated the 18th Ultimo, I requested you to endeavor to obtain for me a Copy of the Laws passed during the last Session of the Texan Congress, in order that I might be enabled to "report to the proper quarter all enactments of consequence to our Commerce and Maritime interests"—Not having been favoured with a reply, and unwilling to make a direct application to the Seat of Government for a duly Certified copy of the Laws in question, I propose to avail myself of a Copy of the Acts, as recently published for general use,—it being desirable that Legislative changes, of the kind referred to, should be reported as early as possible

William Kennedy.

Captain Elliot, R. N.

Her Majesty's Chargé d' Affaires.

[Endorsed.] Enclosure No 2. In Mr Consul Kennedy's despatch No 9, dated May 27th. 1844.

KENNEDY TO ABERDEEN<sup>16</sup>

No. 10.

Her Britannick Majesty's Consulate

Galveston May 29th. 1844.

My Lord,

I have the honor, to acknowledge the receipt of Your Lordship's despatch Marked No 1, of this year's series, apprizing me of the appointment of Mr John Macdougall as provisional British Vice Consul at Galveston, and directing me to convey to that Gentleman a letter containing the offer of that appointment, of which letter Your Lordship has been pleased to transmit a copy to myself.

I beg to enclose a copy of a Communication which I forwarded to Mr Macdougall, with the letter from Your Lordship tendering to him the appointment of provisional Vice Consul, together with a copy of Mr Macdougall's reply to the same.<sup>17</sup> From the tone of

<sup>16</sup>F. O., Texas, Vol. 10.

<sup>17</sup>These letters not transcribed. Macdougall had been recommended by Elliot for the vice-consulship, and appointed by Aberdeen. Kennedy strongly opposed him and accused him of interfering to aid the British slave-traders in Texas, whom Kennedy sought to bring to punishment. Kennedy finally succeeded in preventing Macdougall's acting as vice-consul.

that reply, I must confess my inability to hope from its writer amicable cooperation in the public service.

Had my instructions in reference to the matter, permitted any exercise of discretion on my part, I would have deemed it my duty to have held over the Communication to Mr Macdougall until I had put Your Lordship in possession of facts to which I owe it to the service still to invite attention.

The *Sixth Section* of the General Provisions of the Constitution of Texas contains these words:

"All free White persons who shall emigrate to this Republic, and who shall, after a residence of six Months, make oath before some competent Authority, that they intend to reside permanently in the same, and shall swear to support this Constitution, and that they will bear true allegiance to the Republic of Texas, shall be entitled to all the privileges of Citizenship."

The *Ninth Section* of the General Provisions contains the following words:

"All persons of Colour who were Slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude—Provided the said Slaves shall be the *bona fide* property of the persons so holding said Slaves as aforesaid. Congress shall pass no laws to prohibit emigrants from bringing their Slaves into the Republic with them, and holding them by the same tenure by which such Slaves were held in the United States. Nor shall Congress have power to emancipate Slaves: Nor shall any Slaveholder be allowed to emancipate his, or her, Slave, or Slaves, without the Consent of Congress, unless he, or she, shall send his, or her, Slave, or Slaves, without the limits of the Republic. No free person of African descent, either in whole or in part, shall be permitted to reside permanently in the Republic without the Consent of Congress"

By the laws of Texas, a Slave, or free person of Colour, Convicted of maiming a free White person, incurs the penalty of death, and the immigration of free persons of Colour into the Republic is prohibited, under penalties extending to the forfeiture of freedom.

An Act of the Texan Congress sets forth that—

It shall not be lawful for any Master of a Vessel, or owner thereof, nor for any other person, or persons, whomsoever, to bring,

import, induce, or aid and assist in the bringing, importing, or inducing any free person of Colour within the limits of Texas, directly or indirectly.—And any person so offending shall be deemed to be guilty of a Misdemeanour, and, on Conviction, shall be fined in a sum of not less than one thousand, nor more than ten thousand dollars.

The Constitution from which I have extracted the previously cited provisions, and the Laws enacted under that Constitution, Mr John Macdougall has solemnly bound himself to support, by assuming the obligations of Citizenship

Mr Macdougall has voted for public officers, and has served as a Juror at Galveston,—the law declaring that “No person who is not a Citizen of the Republic of Texas, shall be capable to serve on a Jury, for the trial of any Cause, Civil, or Criminal.”—He is liable to be called upon to join in a Verdict in any Slave Case. He may be summoned to assist in the apprehension of runaway Slaves. He may be required to aid in bringing a British Ship-master under the operation of the law prohibiting the introduction of free persons of Colour, within the limits of the Republic.—Burthened with the obligations of his new Allegiance, can Mr Macdougall be free to fulfil the duties of an Agent representing, however remotely and reflectively, the wishes and Convictions of Her Majesty’s Government.

Previous to his acceptance of the Office appointment, I thought it but fair to Mr Macdougall—knowing that he has been in the habit of having domestic Slaves, to apprize him that Her Majesty’s Government (as appears by Slave Trade Correspondence presented to Parliament by Her Majesty’s Command) has pronounced it unfitting for any Officer, with an Appointment under the British Crown, directly, or indirectly, to hold, or be interested in Slave property, or to employ hired Slaves. It was surely more consistent with order and equity to make this Communication to him before, than after, acceptance of the Appointment

I am inclined to think that if Mr Macdougall’s convenient notions of Allegiance were known to the Government of Texas, he would hardly receive the sanction necessary to enable him to act as the Agent of a Foreign power.—

When I was occupied with the Slave trading transactions of

Messrs. Frankland Jones & Co.,<sup>18</sup> Mr. Macdougall was forward in obtruding the opinion that I ought not to report those very flagrant transactions to Her Majesty's Government, intimating, among other reasons of equal weight, that Her Majesty's present advisers were not earnestly determined to use their endeavours for the Suppression of Slavery.

In conclusion, I would beg respectfully to submit to Your Lordship, that since my arrival at Galveston, while I have abstained from all improper interference with the internal affairs of this Country, I have unhesitatingly and openly carried out the instructions which I have received relative to the traffick in Slaves by British Subjects,—that, in pursuing this plain course of duty, I have experienced no obstruction, or annoyance, *except from British Slave-holders, or their abbetors among their own Countrymen*,—that I am fully sensible both these classes of persons have done, and are doing, their utmost to injure me, personally and officially,—that their activity was especially manifest on the occasion of my late sickness, and that if, in future, I be not better supported than I have been hitherto by the Countenance of *British Authority upon the Spot*, it seems much less likely that I should put down Slave trading and Slave holding among Her Majesty's Subjects resident here, than that the Slave traders and Slave holders should put down me—at least so far as my power to restrain their illegal practices is concerned.

William Kennedy

The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN<sup>19</sup>

*Private.*

Her Britannick Majesty's Consulate

Galveston May 31st. 1844.

My Lord,

In accordance with the direction contained in a letter from Her Majesty's Charge d' Affaires to this Republic, dated New Orleans

<sup>18</sup>In 1843 Kennedy attempted to take action against a British firm bringing slaves into Texas, but was advised by Elliot (later confirmed by Aberdeen) that no action by him was legally possible. The correspondence and documents are in print in *British Sessional Papers, 1844, Commons. Vol. 49; Slave Trade Correspondence, Class C, Texas.*

<sup>19</sup>F. O., Texas, Vol. 10.

May 20th, I propose to have the honor to Communicate to Your Lordship, from time to time such matters and occurrences within the circle of my observation as appear to be of public interest, or importance

In a postscript to my letter of 6th instant, addressed to Captain Elliot, of which I took occasion to transmit a Copy to Your Lordship, I noticed the arrival off Galveston, of the United States Frigate "Potomac."

The "Potomac" bore the Flag of Commodore Conner<sup>20</sup> the Officer in Command of the American "Home Squadron," which it is understood, is intended to cruize in the Gulf of Mexico, during the Negotiations for Annexing this Country to the United States. After remaining some days, the Potomac left Galveston, it was said for Vera Cruz; and has been succeeded by the Sloop of War "Vincennes." Three more American Men of War are shortly expected off this Port, and a new War Steamer called the "Union."

The "Poinsett" War Steamer left Galveston for Vera Cruz, about the time indicated in my letter to Captain Elliot of 6th May. It was remarked to me that a Mr Thompson, who was on board the "Poinsett" as bearer of propositions from the Government of the United States to the Government of Mexico, had resided in Texas formerly; and, in the course of the Revolutionary War, had been arrested by the Texans, on a charge of treasonable Correspondence with Mexican Authorities. His selection for his present employment was thought to be significant. A ground of suspicions against him, at the period of his arrest, was the rumour that Colonel Almonte, at present Minister from Mexico to the United States, was about to be married to his (Thompson's) daughter.

I was lately favoured with visits of inquiry respecting my health by President Houston, and Judge Terrell, the Attorney General of the Republic, the President seemed desirous to explain the nature of the preliminary arrangements entered into with the Government of the United States. The Statement he volunteered agreed, in the main points, with the information upon the Subject contained in my previously mentioned letter of 6th of May.—

<sup>20</sup>David Conner, in 1844 in command of the United States squadron on the West Indian Station. He was later a leading naval commander during the Mexican War. (Appleton, Cyclop. of Amer. Biog.)

With the addition, as I understood him, that, in case of the failure of a Treaty of Annexation, the Government of the United States had pledged itself to adopt effective Measures for securing the independence of Texas. He evinced some anxiety to show that the Scheme of Annexation had been prematurely forced upon him, during last Session of Congress, by a factious Majority, against which he was unable to maintain his ground. That a violent legislative opposition, aided and abetted by the Ministry of the United States in this Country, was arrayed against him, and threatened impeachment, is undoubtedly true. The Attorney General separately declared that, had the Foreign (European) Ministers been at the seat of Government, to sustain General Houston by their presence against the coercive operations of party, he (the President) would not have sanctioned the proceedings then adopted by Congress, for Annexing Texas to the United States.—I may observe that the Attorney General, although a Member of the President's Cabinet, is warmly opposed to Annexation

The information from the President would have been more full and explicit had not a sense of duty forbade my putting questions to him on political affairs. Some of his oldest friends now profess to consider him altogether and decidedly in favour of Annexation. It is alleged that, to induce him to promote the project, a powerful party in the United States held out inducements tempting to his political ambition.

The Country is at present perfectly tranquil. In Galveston people seem quietly to await the issue of the Negotiations with the United States, and with abated expectations of their success.

William Kennedy.

The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN<sup>21</sup>

*Private.*

Her Majesty's Consulate

Galveston June 11th 1844

My Lord,

I had the honor of addressing Your Lordship, in a Communication marked "Private" on the 31st Ultimo. Since which time no event of moment has fallen under my notice.

"F. O., Texas, Vol. 10.

The "Poinsette" U. S. War Steamer, entered this Harbour, on the 7th Instant, on her way from Vera Cruz to New Orleans, bearing it was said, the refusal of Mexico to entertain the overtures for "Annexation" made by the United States. She went to Sea again on the following day.

The United States Sloop of War, "Vincennes," mentioned in my last, left her Anchorage in Galveston Roads about the first of this Month, but returned in a few days, and was joined by the "Somers," United States Brig of War, on the 5th Instant. To these was speedily added the new War Steamer called the "Union."—On the 9th Instant, the three vessels put to Sea, with the intention, if rumours might be credited, of appearing before Vera Cruz.

There has been a petty Indian inroad, attended with some loss of life, at Corpus Christi, which is also threatened by Mexican Marauders. The Government of Texas is about to strengthen that frontier position, and I have been informed that an American Vice Consul is to be stationed there, with Authority to display the National Flag.

Corpus Christi is considered of some importance as a Texan trading post, to which Mexican Contrabandists resort for the purpose of Smuggling good[s] across the Rio Grande.

William Kennedy.

The Earl of Aberdeen, K. T.

## BOOK REVIEWS AND NOTICES.

*A Bibliography of the History of California and the Pacific West, 1510-1906.* By Robert Ernest Cowan. (San Francisco, The Book Club of California. 1914. Pp. xxi, 318.)

In this book "are included printed works relating to the discovery, exploration, colonization, and evangelization of California; its transition from a Mexican colony to one of the United States; the history of the gold discovery and its attendant events; the formation of its government, state and municipal; its unusual features, such as the vigilance committees, Mexican land claims, and the Chinese question; some features of its earliest local history; and its historical relations with adjacent territory, both remote and more nearly within our own time."

The author has made a survey of the materials available for a bibliography of California, finding them to comprise about 7000 items. Of these he has chosen to include about 1000, eliminating: most works of legal, medical, or scientific character; transactions and reports of societies; most federal, state, and municipal documents; and lastly, "the familiar features of our own local literature in poetry and prose."

The works chosen are items "of interest to the collector or the student of California history in its broader sense" published prior to 1906.

The author states in his introductory note that such a limitation may, from a superficial glance, appear both narrow and inadequate. The present reviewer would add that the impression is rather confirmed than removed by more careful scrutiny.

By usage, the word bibliography connotes inclusion rather than exclusion. The list of works presented is expected to be a fairly exhaustive, if not complete (either within some limited period of time, some fairly well defined area, or by some other logical scheme of delimitation), catalogue of the literature essentially contributing to the subject in hand. On the basis of the time limit, this bibliography covers the interval 1510-1906. The entire sixteenth century is, perforce, limited to a single item, *Las Sergas*, which has until now nothing more than a conjectural connection with

California history, based on Hale's famous article in the *Atlantic*. That article, curiously enough, is not listed at all in the bibliography, though it appeared in separate form, and was republished with the collection by Hale called *His Level Best* (Boston, 1872), 234-280.

Passing to the other extreme of the time limit, one finds that 1906 is not an inclusive date, no items beyond 1905 being listed, with a single notable exception—the *Bibliography of the 'Chinese Question in the United States* (San Francisco, 1909). This item is preferred for inclusion to a great mass of Californiana published since 1905, presumably either because of Mr. Cowan's interest in his own work or because of its obvious importance, neither reason being adequate in the presence of the many California items published since 1905, a number of which have secured recognition generally, and might easily have been listed.

As to the geographical area included in the bibliography, those parts of the West outside California are not consistently represented, though many important items are included. For instance, among Oregon items some of the works of Gustavus Hines are listed, though his *A Voyage Around the World, with a History of the Oregon Mission* (Buffalo, 1850) is conspicuously absent. Among Lower California (New York, 1865) finds no place, though the earlier works are given.

On the basis of its interest "to the student of California history in its broader sense," the bibliography leaves still more to be desired. Take, for an example, the literature of Cortés in Lower California. One is left to infer that Flavigny's translation of the letters is the sole worthy representative of that important material. The omission of Ramusio, *Raccolta della navigazioni*; Gómara, *Crónica de la historia de Nueva España*; Torquemada, *Monarchía Indiana*; and Lorenzana, *Historia de Nueva España*, shows that the historical connection between New Spain and California has not been carefully considered nor its literature thoughtfully presented.

Passing to later topics, one finds inadequate representation in many fields. The Chinese question has been adequately treated in the bibliography of that subject already alluded to, lightening that burden for the present work. But Pacific railroad literature is very scant; though the earliest items are included, later im-

portant ones, such as Creed Haymond's *Argument on the Pacific Railroads* (San Francisco, 1888), find no mention.

Works of travel containing chapters on California receive similar unequal treatment. While many such books are listed, one looks in vain for Sir Edwin Arnold, *Seas and Lands* (New York, 1891); A. Adams, *A Voyage Round the World* (Boston, 1871); T. K. Davis, *A Tour in America* (Melbourne, 1884); and other well known works of this group.

Writings of foreign authors of the modern period might have been more systematically noticed. Hypolite Rouhoud, *Regions nouvelles* (Paris, 1868) might have been mentioned. Alexandre Büchner, *Le conquérant de la Californie* (Caen, 1869) should have been added to the Frémont items. A whole army of translators of the standard works on California have received only casual mention in the bibliographical notes; indeed, the interesting spread of the influence of the West throughout Europe is passed over thus. Among books in English, J. W. Hanson's *The American Italy* (Chicago, 1896), receives no mention, though the more famous *Our Italy* by Charles Dudley Warner of course is noticed.

Among biographies of men of note who have been at some time connected with California history there is great dearth, a single instance, the omission of De Peyster's *Life of Philip Kearney* (New York, 1869) typifying the lack.

Again, though the prefatory note by the author states that "the familiar features of our own local literature in poetry and prose" are to be eliminated, nevertheless we find verse by Linen and Pollock, the collection by May Wentworth, and "*Outcroppings*," edited by Bret Harte, while the verses of Ridge, White, and Woodward are omitted. So with some of the notable present day names in prose. John Muir's *Our National Parks* and *Picturesque California* are given, but *The Mountains of California* is not. Helen Hunt Jackson's *Ramona* and *Glimpses of California and the Missions* have left no space for *Father Junipero and the Mission Indians*. Finally, a bibliography of the history of California and the Pacific West which makes no mention of such names as Mary Austin, Agnes Laut, Charles F. Lummis, Frederick Dellenbaugh, or J. M. Guinn cannot be said to have covered the ground satisfactorily, either for the collector or the history student.

The broad fact is that the author, with all his experience in

handling Californiana, has set himself an impracticable sort of limitation, and has not followed his scheme consistently. A bibliography of Californiana is still needed, which shall include many or most of the items which Mr. Cowan has discarded. The official documents will form a supplement or a separate volume, for these items are not so fully listed nor so easy of access as they ought to be. So also may the local literature and works relating to other geographical units be separately listed, but the person who essays a line of cleavage will have a harder task than that entailed in making one exhaustive list.

The bibliographical notes in the present volume are of chief interest from the collector's point of view. They add much to the interest of the books described, by way of information which is not ordinarily contained in a bibliography.

The style of printing and binding is handsome. There are a few errors in typography and spelling not mentioned in the list of errata. The price of \$20 asked for the book is exorbitant, and deckled edges are a nuisance in a book of reference.

HERBERT L. PRIESTLEY.

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*The Establishment of State Government in California, 1846-1850.*

By Cardinal Goodwin, M. A. (New York: The Macmillan Company. 1914. Pp. xiv, 359. \$2.00.)

California history has frequently suffered at the hands of its friends. Too often its facts, interesting enough in all conscience in themselves, have been exaggerated into a sort of fictitious romance, or perverted to coincide with preconceived notions or opinions. With neither of these defects can Mr. Goodwin's book be charged, and one welcomes it, therefore, with a sense of decided satisfaction.

The division of the work into three parts renders it convenient for ready use. The first of these, after a brief summary of early American influence in California and a review of the conquest, carries the discussion down through the establishment of military rule to the problems created by the influx of the gold seekers and the call and organization of the constitutional convention which these rendered necessary. The second deals with the work of this convention and of the chief questions confronting it. While

the third takes up the actual establishment of state government and the preliminary workings of the new machinery. One chapter in this division is concerned with the national aspect of California's admission; and still another contains certain interesting statistics for the year 1850.

The student of economic and legal history will find much of interest in the volume, particularly in the chapters dealing with the convention's attitude toward banks and corporations, Governor Burnett's financial recommendations, the land question, the sources of the constitution, and the debates over the establishment of the civil or common law in the state.

Of more particular value, however, and to the reviewer's mind the essential contribution the study has made to the history of the period, is the author's treatment of the establishment of the eastern boundary and the introduction of the negro into California. With regard to both of these questions, misconception has been widely prevalent and strongly rooted. Almost without exception, earlier writers, following in the steps of Bancroft, who is prone to wander wherever his prejudices lead, without regard to fact, have seen in these issues the sinister and malignant influence of slavery, when in fact such influence did not exist. Sectionalism, Mr. Goodwin found; though not the sectionalism created by Mason and Dixon's line, but that which resulted from the divergent interests of the mining regions on the one hand and the remaining districts of the state, led by San Francisco and San José, on the other.

In this sober examination of the slavery question and restatement of the actual issues at stake in the convention, the author has conferred marked benefit upon the history of California. Indeed, he has done more—he has given another illustration of how essential it is for the sake of truth that much of our western history be rewritten by those able to consider events before the Civil War dispassionately and find as their causes other motives and interests than the sombre issue of slavery. If for no other reason than this, Mr. Goodwin's book deserves a permanent place in the historical literature of the state.

The reader will notice several outstanding defects, most of which could easily have been obviated. There is no bibliography; and if one be inclined to overlook this, he is struck at once with

the fact that seldom in the footnotes does the writer specify either the edition of a work from which he quotes or the name of its publisher. Frequently also he omits even the initials of the author; and sometimes becomes lax in his citation of authorities, as, for example, on page 15, where no references whatever are made to the sources from which he has drawn his information. The style, too, grows somewhat heavy towards the end and the body of the text is unnecessarily cumbered with material that might better have been placed in appendices or addenda. A particular instance of this may be found on pages 255-258.

The author has relied very largely upon secondary authorities and government reports for his material. At times, however, he has drawn upon manuscript sources and frequently consulted the files of contemporary newspapers. On the whole his work has been done with care and discrimination and the product will prove of lasting value.

ROBERT G. CLELAND.

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*The West in the Diplomacy of the American Revolution.* By Paul C. Phillips, Assistant Professor of History, University of Montana. University of Illinois Studies in the Social Sciences, Volume II, Nos. 2-3. (Urbana. 1913. Pp. 427. \$1.25.)

The Mississippi Valley in the last half of the eighteenth century has been a fruitful field of labor for historical scholars. Parkman, Winsor, Turner, Roosevelt, and Alvord have made scholarly contributions to our knowledge of its early history. The dramatic period of the American Revolution has likewise been the subject of a great literature. Dr. Phillips is concerned with the Mississippi Valley as an important factor in the diplomacy of the Revolution. The international phases of the Revolution have been elucidated by the work of Wharton, Doniol, Tower and the biographers of Franklin, Jay, and Adams. But it is the author's opinion that the subject demanded new examination for the simple reason that all the evidence bearing on the matter had not been searched out and critically analyzed. He has used the published sources, but more important is the fact that he has utilized a wealth of unexploited manuscript material reposing in the archives of Washington, London, and Paris. This fact alone en-

titles the dissertation to an important place in the literature of the subject. As a result the whole question is more fully comprehended, additional light has been thrown upon established facts and new conclusions have been drawn.

Much of this scholarly and well written monograph is concerned with the great and perplexing problem which confronted the French minister, Vergennes, of reconciling the widely conflicting interests of his allies, Spain and the United States. French foreign policy after 1763 was dominated by the one grand aim of humiliating England. The revolt of the English colonies was France's opportunity and the common object of American independence made easy the conclusion of a Franco-American alliance. France wanted no territory; she desired merely to disrupt England's empire and to assist in the creation of a new power bound to her as an ally against the strength and prestige of her rival. A Franco-Spanish alliance was a matter of difficulty. Vergennes insisted upon the recognition of American independence; Spain, among other reasons of hostility to the revolting English colonies, feared the rise of a new power to contest her control in the West. The crux of the situation was the conflicting claims of Spain and the United States to the West, for the control of the Mississippi River and its eastern bank was a matter of vital concern to both. Here was a dilemma for Vergennes. Against Spain he insisted on the recognition of American independence, and against the United States he denied the validity of their claims by charter to the West. Vergennes stood steadily for American independence and the guarantee of the boundaries to the United States as he conceived them, but Canada and the West were not of them. He would do nothing to help the United States to gain the West nor oppose any attempts to conquer the region. His attitude was interpreted as unfriendly. The vigorous meddling of the French agents in Congress on behalf of Spanish interests, unwarranted by the instructions from Vergennes, created an anti-Gallican party distrustful of French policy. As a result Jay and Adams were selected as commissioners who carried into the final negotiations suspicions of Vergennes. As the author shows with a wealth of evidence, Vergennes was perforce entangled in a policy bound to create adverse feeling, but he was not guilty of duplicity, made no promises he

could not keep, took no measures he could not support, and through all remained a loyal friend to the new nation.

W. T. Root.

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*Latin America.* By William R. Shepherd, Professor of History in Columbia University. (Home University Library. Henry Holt and Company, New York. 1914. Pp. 256. 50 cents net.)

Professor Shepherd's little book on Latin America constitutes a valuable addition to the Home University Library series. In a work of this scope the author can scarcely give more than an introduction to a more exhaustive study of the individual countries of Latin America, and details are necessarily subordinated to general characteristics common to the whole region. Owing to Professor Shepherd's intimate personal knowledge of the field, however, the book is unusually free from unsound generalizations.

The first six chapters of the book are devoted to a description of the colonial period of Latin America. The expansion of Spain and Portugal into the new world is briefly traced, and such topics as colonial government, social and economic conditions, the church, and education are discussed with some fullness. The author has evidently considered the history of Latin America as a subject of minor importance. Only twelve pages are given to the wars of independence, while the historical development since that period up to recent times has been summarized in some fifteen pages. Thus the political history of modern Latin America has been almost entirely ignored, but it is safe to say that the book has suffered in no way from such omission.

The emphasis of the work is laid upon the present-day conditions of Latin America. By condensing the historical narrative, the author has been able to treat this portion somewhat more in detail. A list of chapter headings will indicate the fullness with which this descriptive matter has been developed. Geography and resources, social characteristics, political and financial situation, industry, commerce, transportation, education, public charity and social service, science, journalism, literature, and fine arts. Although these chapters are loaded down with facts and figures, the excellent style makes them very interesting as well

as profitable reading. The book will be of value, not only to the popular reader, but to the advanced student as well.

W. E. DUNN.

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*Essays, Political and Historical.* By Charlemagne Tower, Ph. D.  
(Philadelphia. J. B. Lippincott Company. 1914. Pp. 306.  
\$1.50 net.)

This volume is a collection of seven essays, five of them on different phases of the diplomatic history of the United States and two of them historical—"The European Attitude Toward the Monroe Doctrine" explains, what every student knows, that Europe (and one may add America, as well, except the United States) considers the Monroe Doctrine as merely a declaration of the foreign policy of the United States, and by no means as international law; "The Treaty Obligations of the United States Relating to the Panama Canal" briefly reviews our trans-isthmian canal relations, and points plainly to the conclusion that American shipping is entitled to no special privilege in the use of the canal; "Diplomacy as a Profession" describes some of a diplomat's duties and pleads for the establishment by the United States of a trained diplomatic service; "Some Modern Developments of International Law" briefly traces the development of international law from Grotius and comments on its influence in ameliorating the horrors of war; "The Relations of the United States to Arbitration for the Settlement of International Disputes" is largely a summary of the two Hague conferences; "Lord Cornwallis in America" and "General Howe's Campaigns in the Revolutionary War" are presumably by-products of the author's well known work on the Marquis de Lafayette in the American Revolution. The essays are interesting and readable, but are in no sense contributions to their respective subjects.

EUGENE C. BARKER.

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*The Second Biennial Report of the Texas Library and Historical Commission* contains a calendar of the papers of Mirabeau Buonaparte Lamar, prepared by the archivist of the State Library, Miss Elizabeth H. West. These papers were purchased by the

State in 1909 from Lamar's daughter, Mrs. Loretta Lamar Calder. They comprise Lamar's unpublished official, literary, and historical writings and collections. They are of most importance for Texas history for the years 1821 to 1841, inclusive; of minor importance for Nicaragua and Costa Rica in 1858 and 1859, the period of Lamar's service as minister to those countries.

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*The Diary of Ephraim Shelby Dodd*, member of Terry's Texas Rangers, December 4, 1862-January 1, 1864, is published in a pamphlet of 32 pages by Ernest William Winkler, State Librarian of Texas. The manuscript diary was recently purchased at auction in New York. Dodd was executed as a spy in 1864.

## NEWS NOTES

Miss Elizabeth H. West, archivist of the State Library of Texas, spent the month of June and part of July, 1914, in Havana, searching in the Archivo Nacional de Cuba for documents bearing upon the colonial and Indian trade policy of Spain in the late eighteenth and early nineteenth century. A number of documents were copied for the State Library, the Library of Congress, the University of California, and the Historical Society of Wisconsin. The letter-books of Bernardo de Gálvez, 1778-1781, are of the most general interest. The one contains letters Nos. 1-462 to Josef de Gálvez, the Spanish Secretary of State, the other, letters Nos. 1-304 to the Captain General at Havana. Written as they were, at the time when Gálvez was governor of Louisiana, these letters throw much light upon colonial policy and conditions, as well as upon the expeditions which resulted in the capture by the Spanish of the English posts in the lower Mississippi Valley, of Mobile, and of Pensacola.

Contrary to the usual impression, by no means all of the important historical material was transferred from Cuba to Spain before and during 1896; in fact, practically the entire Hacienda archive remains intact in the Archivo Nacional; allowing, of course, for the losses sustained through the insect pests of the tropics and through the confusion resulting from the Spanish withdrawal in the first place and the American interventions in the second. Much material for the study of Spanish-American history, notably the slave-trade, remains there as yet practically untouched by American investigators.

During the summer of 1914 Mr. William E. Dunn, of the University of Texas, secured from the Archivo General de Indias at Seville some three thousand pages of transcripts, copies of which are deposited in the Library of Congress, the Texas State Library, and the libraries of the Universities of Texas and California. Among the subjects covered by the documents are the intrusions of the French and English in Texas and New Mexico during the eighteenth century, English contraband trade and alleged settlements along the Gulf coast, the complete *autos* of

the campaign of Diego Ortiz Parilla of 1759, complete reports of the San Xavier, San Sabá, and Nueces River mission enterprises, several previously unknown diaries of explorations in Texas, including those of Bernardo de Miranda to the Los Almagres mines in 1755 and of Pedro de Rabago y Thera in 1756, plans for the opening up of communication between Texas and New Mexico, new material on the settlement of San Fernando de Béxar (San Antonio), and some material on Coahuila. Several interesting maps, of value for the history of Texas, were obtained. These documents will completely clear up several chapters in Texas history that have previously been obscure and known only through fragmentary material.

A prize of \$200 will be awarded by the American Historical Association in 1915 for the best unpublished monograph in military history submitted to the committee before September 1, 1915. The monograph must be based upon independent and original investigation into some field of the military history of the United States, preferably of the Civil War. It must be a distinct contribution to knowledge, must (1) be based upon exhaustive research, (2) conform to the canons of historical criticism, (3) be presented in scientific form, (4) contain exact references to sources and secondary works, and (5) be accompanied by a full critical bibliography. Correspondence relative to the prize should be addressed to Captain A. L. Conger, Fort Leavenworth, Kansas.

The University of Texas Library has purchased from Mr. John Rutherford, of Richmond, Virginia, for the Littlefield collection of Southern history a file of the *Richmond Enquirer*, 1847-1865, *Richmond Examiner*, 1849-1865, the *Union* (Washington, D. C.), 1845-1854, and odd volumes of the *Southern Press*, the *New York Herald* (weekly), and other papers.

Judge Reuben R. Gaines, formerly Chief Justice of Texas, died at Austin, October 13, 1914. He was born in Sumpter County, Alabama, October 30, 1836, and was a graduate of the University of Alabama. He served as Associate Justice of the Supreme Court of Texas from 1886 to 1894, and as Chief Justice from 1894 to 1911, when he resigned.

George H. Hermann, of Houston, Texas, died in Baltimore, October 21, 1914. The Houston papers contain brief sketches of his life. His will, published in the *Houston Post*, November 15, makes provision for public charities aggregating several millions of dollars.

The *Dallas News* of November 15 contains a tribute by J. B. Cranfill to Rev. B. H. Carroll, who died at Fort Worth on November 11, 1914. He is called "the most majestic man the Baptists of the world have known in this generation."

The death of Judge Lee Young occurred at his home in Stephenville, Texas, on November 15, 1914. He was a student of progressive agriculture, helped many tenants to become home owners and took an active interest in better laws. *Farm and Ranch*, November 21, contains a brief tribute to him.

Harry Lee Marriner, endeared to thousands as "The News staff poet," died at Kerrville, Texas, December 8, 1914. Each day for nearly five years he contributed a bit of cheery verse to *The Galveston-Dallas News*. Some account of his life and labors appears in the *News* of December 9, and in Eagleton's *Writers and Writings of Texas*.

## AFFAIRS OF THE ASSOCIATION

The annual business meeting of the Association will be held in the State Library at Austin, Texas, Tuesday, March 2, 1915, at 3 o'clock. A meeting of the Executive Council and of the Fellows will precede the general meeting.

Members who wish to make nominations for Fellowships should send such nominations to President Z. T. Fulmore, Austin, Texas, not later than February 20, together with copies of the candidates' published writings. This is in accordance with a resolution adopted at the last annual meeting: "*Resolved*, That the President shall appoint from among the Fellows of the Executive Council two members to act with himself as a committee on the nomination of Fellows. This committee shall examine the published work of the members whose election is proposed, and shall report thereon to the Council at the annual meeting."

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## TEXAS *VERSUS* WHITE

WILLIAM WHATLEY PIERSON, JR

### INTRODUCTION

The case of *Texas v. White* is of interest and importance from the standpoint both of Texas history and of constitutional law. In this paper, attention will be directed to both aspects. Except the report in which the history of the case has been briefly sketched, such a treatment has not, so far as I know, been yet attempted.<sup>1</sup> The case is of value at present, in addition to its historical and legal significance, because in the opinion of the court is embodied the theory of the nature of the Union last professed by the judicial department of our government. It compels the attention of those who would understand the political theory upon which our present American system legally rests.

One of the many problems arising out of the great War of Secession was that of the determination of the legal status of the

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The preliminary investigations for this article were made in 1912 for a report on the subject to a seminar in American history at Columbia University. At the suggestion of Professor William A. Dunning, these investigations were later expanded and amplified, and the present article is the result. The writer wishes to make grateful acknowledgment of indebtedness to Professor Dunning, to whose inspiration, guidance, and criticism whatever of merit the article possesses is largely attributable. His thanks are also given to Professors Charles W. Ramsdell and Eugene C. Barker, of the University of Texas, both of whom read the manuscript and made many helpful suggestions.

<sup>1</sup>7 Wallace, 700; 25 Texas (Supplement) Reports.

so-called rebel States. The gravity of this question was early appreciated, and, as soon as the outcome of the struggle was fairly evident, the political leaders began serious consideration of its various aspects. The theory announced by Mr. Lincoln at his inauguration, to which he adhered throughout the war, for many reasons no longer satisfied the large element of radicals in the North. As a partial expression of this discontent, Sumner, in 1862, had submitted his State-suicide theory.<sup>2</sup> The break with the executive in this regard had seriously disturbed the political relations within the dominant party in 1864; and, when the evolution and application of a definite programme became an actual and pressing necessity, the points of difference in the opinions and desires of the various groups became more noticeable and important. Concerning the proper course to follow in restoring the Southern States to the Union, the departments of the government developed theories, which in many essential particulars were radically different.<sup>3</sup> Despite the fact that during a large part of the Reconstruction period, the executive and judicial departments suffered in prestige and power from the extraordinary ascendancy of Congress, the views presented therein form an important contribution to American political theory. The theory of the Supreme Court was submitted in the opinion in the case of *Texas v. White*, and a consideration of it in that regard, therefore, is a part of the purpose for which this paper was written.

## CHAPTER I

### HISTORY OF THE CASE

"The State of Texas, one of the United States of America,"<sup>1</sup> filed suit, on February 15, 1867, against the following individuals: George W. White, John Chiles, John A. Hardenberg, the firm of Birch, Murray & Company, and others.<sup>2</sup> The petition prayed an

<sup>1</sup>Dunning, *Essays on the Civil War and Reconstruction*, 105.

<sup>2</sup>For critical and incisive analysis of the various theories respecting the status of the Southern States, see Dunning, *Essays on the Civil War and Reconstruction*, 103 *et seq.*

<sup>3</sup>Record of the Case, 2. *Record of Cases*, 1876. Found in the library of the Supreme Court at Washington.

<sup>4</sup>The bill in the suit mentioned the following persons or corporations: George W. White, a citizen of Tennessee; John Chiles, of New York;

injunction against the persons named in order to prevent them from setting up a claim to or obtaining the payment of certain bonds, known as the Texas Indemnity Bonds, from the Treasury of the United States, and, finally, that they be constrained to restore the bonds to the petitioners, who claimed to be the accredited representatives of the State of Texas. The bill in the suit particularly demanded the return of some fifty of these bonds which were known to be in the possession of the persons against whom these injunction proceedings were aimed. This suit was instituted before the Supreme Court of the United States. Such action was in accordance with that provision of the Constitution which ordains that the Supreme Court shall have original jurisdiction of cases in which a "State" shall be a party.<sup>3</sup>

### *The Texas Indemnity Bonds*

The history of the bonds mentioned in this suit properly begins with that of certain Texas claims against the United States which grew out of conditions antecedent to annexation and, subsequent to that event, for the settlement of territorial boundaries. The people of Texas, before annexation, expected the United States to assume the debts of the Republic, and this was not an unreasonable expectation. On the contrary, it was considered a fair exchange. As a republic, Texas had all the rights of taxation and the possibilities of revenue which are associated with sovereign power, but on entering the Union as a State, many of these rights and possibilities were relinquished. In addition, certain public properties and war stores were surrendered to the United States. For none of these was there any adequate return provided in the joint resolution of annexation. This resolution, indeed, expressly stated that in no event were the "debts to become a charge upon the United States."<sup>4</sup> This statement was not necessarily decisive, since it was, no doubt, introduced to render more certain the

J. A. Hardenberg, of New York; Samuel Wolf, of Kentucky; G. A. Stewart, of Kentucky; Bank of the Commonwealth of Kentucky; W. F. Birch, of New York; Byron Murray, Jr., of New York; and Charles P. Shaw, of New York. *Ibid.*

<sup>3</sup>Section II of Article III of the Constitution.

<sup>4</sup>Joint Resolution No. 8, 28th Cong., 2d Sess., 1845, *U. S. Statutes at Large*, V, 797.

passage of a measure which had not before enjoyed general popularity.<sup>5</sup>

Although Texas accepted the proposition of annexation, it was with strenuous and continued protest against the injustice which was considered to have been done. It was insisted that the United States should assume the debts of the old republic. In addition, certain territorial claims caused trouble. Originally, Texas claimed as her western boundary the Rio Grande to its source, and thence north to the line of 42 degrees latitude.<sup>6</sup> After the Mexican War the United States sought to contract this claim. For reasons unnecessary to state here, the controversy over these lands became more and more bitter, until, finally, the State determined to assert its right to the territory by force should the United States government continue to dispute the claim.<sup>7</sup> Such, in brief, was the case when the compromise measures of 1850 were adopted by Congress. The facts which have been stated were the occasion of one feature of the compromise. The provisions for the Texas indemnity and for the establishment of a territorial government for New Mexico were incorporated in one bill. The fourth article of the bill declared that<sup>8</sup>

The United States in consideration of said establishment of boundaries, cession of claim to territory, and relinquishment of claims, will pay to the State of Texas the sum of ten millions of dollars in a stock bearing five per cent. interest, and redeemable at the end of fourteen years, the interest payable half-yearly at the treasury of the United States.

Of this sum, five millions became the property of the State immediately, and the other half was reserved in the national treasury to be issued to the holders of the Texas debt.<sup>9</sup> Those who were to

<sup>5</sup>Smith, *Annexation of Texas*, 323 *et seq.*; *Texas Annexation Pamphlets* in Columbia University Library.

<sup>6</sup>Shepherd, *Historical Atlas*, 198. This claim included parts of the present States of New Mexico, Oklahoma, Kansas, Colorado, and Wyoming. See Garrison, *Texas*, 165.

<sup>7</sup>Rhodes, *History of the United States since the Compromise of 1850*, I, 190.

<sup>8</sup>*U. S. Statutes at Large*, IX, Ch. 49, 446-447.

<sup>9</sup>For an account of the public debt of Texas and the disposition of this sum, see Gouge, *Fiscal History of Texas*, 179-191; also the opinion of Attorney-General Caleb Cushing in *Opinions of the Attorney Generals*, VI, 130 *et seq.*

profit by this appropriation were the "creditors of the State holding bonds and other certificates of stock of Texas, for which the duties on imports were specially pledged."<sup>10</sup> On November 25, 1850, an act of the Texas legislature declared that, "the State of Texas agrees to and accepts said propositions, and it is hereby declared that the said State shall be bound by the terms thereof, according to their true import and meaning."<sup>11</sup>

It was not until December 16, 1851, however, that a law was passed designating a receiver of the bonds. On that date the comptroller of public accounts was ordered to proceed to Washington and convey them to the state treasury at Austin. The bonds were then to be disposed of as the legislature should ordain, "provided, that no bond, issued as aforesaid, as a portion of the said five millions of stock, payable to the bearer, shall be available in the hands of any holder until the same shall have been indorsed by the Governor of the State of Texas."<sup>12</sup>

Obviously this was intended as a general law imposing upon the governor of the State the duty of indorsing each bond as it was made use of by statute. Since at a later time much was made of this requirement, it will be profitable to ascertain whether or not it was ordinarily complied with, and whether it had any effect upon the title of the holder after bonds had passed from the possession of the State. According to the statement printed upon the face of the bond, it was payable to Texas or the bearer after the expiration of fourteen years. This was, therefore, a contract between the United States on the one hand and Texas or the holder on the other. When the State of Texas endeavored to alter the contract by requiring the indorsement of the governor, the attempt was an impairment of the contract, and was, therefore, of no effect in law.<sup>13</sup> The real result of such an enactment was that it prescribed certain duties to be performed by particular state officials. It produced no defect, however, in the title of the holder of a bond from which the signature had been withheld, although it might indicate the possibility of illegal possession.

<sup>10</sup>*U. S. Statutes at Large*, IX, Ch. 49, pp. 446-447.

<sup>11</sup>Gammel, *Laws of Texas*, III, 832-833.

<sup>12</sup>Gammel, *Laws of Texas*, III, 889-890; Paschal, *Digest of Texas Laws*, 902.

<sup>13</sup>Attorney-General Speed's opinion, 1865; Comptroller (U. S.) Tayler's report. Reprinted in Paschal's *Digest*, 902 *et seq.*

This appears to have been the trend of reasoning by which the treasury officials were governed when such bonds were presented for redemption. The State, moreover, was not consistent in requiring this indorsement. There was a number of laws passed, making appropriations of either the bonds or the interest from the matured coupons, which did not stipulate the necessity of the governor's indorsement as an evidence of the validity of the holder's title.<sup>14</sup>

The use made of these bonds was varied. There was an appropriation of more than two millions for the payment of a part of the Texas debt unprovided for by the United States; \$100,000 of the accumulated interest was voted to a building fund for the erection of a new state house then contemplated, and \$25,000 was set aside for furnishings. On January 31, 1854, an act was approved which provided for the establishment of a school fund, and which dedicated \$2,000,000 of these bonds as an endowment for that purpose.<sup>15</sup> These bonds were in the treasury when, in 1856, it was decided to lend a part of them to certain railroad companies, which were at that time planning to build lines within the State.<sup>16</sup> In this way Texas would get the advantage of a higher rate of interest, and, at the same time would encourage industrial development of the State,—then a policy quite generally approved. This plan was carried out extensively, and, of the original fund set apart for the public schools, there remained only about \$800,000 when the State seceded in 1861.<sup>17</sup>

<sup>14</sup>Paschal's *Digest*, 903.

<sup>15</sup>Gammel, *Laws of Texas*, III, 1461-1465.

<sup>16</sup>*Ibid.*, Vol. IV, 32-40.

<sup>17</sup>In 1855, the United States appropriated \$7,750,000, in lieu of the five millions already set aside for the Texas creditors. The addition was made in compensation for certain sums expended by Texas in defense of her frontier against the Indians. The State was to be repaid for any part of the debt already liquidated. This time no restriction was made as to the nature of the debt which the United States proposed to pay. Any creditor might present certificate of the State's indebtedness. *U. S. Statutes at Large*, X, 33d Cong., 2d class., Ch. 133, pp. 617-619. A part of this sum was in the national treasury as late as 1870, and was made the basis of a new claim against the United States. See report of (Texas) Comptroller of Public Accounts, 1870.

*The Secession of Texas*

With the causes which impelled Texas to sever her connection with the Union, this paper has nothing to do. It is necessary only to notice the fact of secession, and the method by which it was accomplished. During the agitation preceding this action Governor Houston vehemently opposed disunion; and, unlike many governors of the other Southern States, refused to call a convention after the election of Lincoln. An extra-legal step was taken, and a proclamation, signed by sixty-one individuals, was issued, which, among other things, called upon the people of Texas to elect delegates to such a convention.<sup>18</sup> In response to this, an election was held, and delegates were returned from some districts. On February 1, 1861, an ordinance of secession was solemnly adopted.<sup>19</sup> After having been indorsed by the legislature, this ordinance was submitted to the people for their ratification or rejection. It was ratified by a vote of 46,129 against 14,697.<sup>20</sup> After this affirmative vote, the convention reassembled, and declared, on March 4, that the vote had resulted in the ratification of the ordinance, and that Texas had withdrawn from the Union. Previous to this expression of the will of the people, delegates had been sent, on the authority of the convention, to the Confederate government, at Montgomery, Alabama. After the ratification of the ordinance, a resolution was adopted requiring all state officials to take an oath of allegiance to this government. The governor and the secretary of state refused to comply with this order, and their offices were forthwith declared vacant.<sup>21</sup>

The senators and representatives in Congress were notified of the State's action, and they, with the exception of Andrew J.

<sup>18</sup>Among the names of these men was that of George W. White, the defendant in this case.

For the circumstance attending the calling of the convention see Sandbo, "First Session of the Secession Convention of Texas," in *THE QUARTERLY*, XVIII, 178-190.

<sup>19</sup>The title of the ordinance was: "An Ordinance to dissolve the union between the State of Texas and the other States, united under the compact styled 'The Constitution of the United States.'"

<sup>20</sup>Winkler (editor), *Journal of the Texas Secession Convention*, 90. Garrison, *Texas*, 287, gives the vote as more than 44,000 for secession to about 13,000 against. The figures employed in the court records and proceedings were 34,794 against 11,235.

<sup>21</sup>Gammel, *Laws of Texas*, IV, 1528. The secretary mentioned was Mr. E. W. Cave.

Hamilton, withdrew. Texas thus resumed the status of a free and sovereign State,—so far as the action of her people could accomplish that fact. The doctrine of State Sovereignty, so long cherished as a fundamental part of the political philosophy of the South, thus found its final fruition in the definite act of secession. Its efficacy, as a practical policy, was now to be tested. The moral conviction of its righteousness—a part of the public consciousness of the time—was strengthened in the effort to maintain the legal and practical privileges deducible from the theory.

*The State Military Board and the Disposal of the United States Bonds*

In the course of the struggle which followed, the Texas legislature passed, in 1862, an act entitled "An act to provide arms and ammunition, and for the manufacture of arms and ordnance for the military defence of the State."<sup>22</sup> This law was enacted as a result of a suggestion from the Confederate secretary of war. Judah P. Benjamin. It appears that, in 1861, he created an ordnance agency to purchase arms and supplies, and to have supervision of the sale of cotton to foreign countries. As one of the agents of this department, G. H. Giddings, a citizen of Texas, was sent to Matamoras, Mexico. When he attempted to make arrangements with the local bankers and merchants, he was informed that they preferred United States bonds to the Confederate securities he was able to offer.<sup>23</sup> Giddings, knowing of the bonds at Austin, suggested to Benjamin that some basis of exchange be agreed upon with the State authorities. Accordingly Benjamin wrote to Governor Lubbock, explaining the situation and requesting the State to buy arms and ammunition with the bonds. He promised that the Confederate government would then repurchase them with eight per cent. Confederate bonds then being issued.<sup>24</sup> On receipt of the letter, the governor submitted the matter to the legislature, which was then in session, and recommended that he be empowered to comply with the secretary's request. To meet this emergency, the legislature created a Military Board and

<sup>22</sup>*Ibid.*, Vol. V, 484.

<sup>23</sup>Giddings to Benjamin, *Official Records, War of the Rebellion*, Series IV, Vol. 1, 774 (Serial No. 127).

<sup>24</sup>Benjamin to Lubbock, *Ibid.*, 830.

passed the act above mentioned. The board was given sufficient powers to accomplish the purposes of that law, being authorized to make use of any "bonds or coupons which may be in the treasury on any account."<sup>25</sup> In the specification of the bonds the act was intentionally comprehensive, so as to avoid any possible complications in negotiating the bonds and thus frustrating the purposes of the act.<sup>26</sup>

On the same day (January 11, 1862), the legislature repealed the act of 1851 which required the indorsement of the governor in order to render the bonds available. In the repealing act, the same caution was manifested by the avoidance of mention of the specific clause which was to be made inoperative.<sup>27</sup> The act was repealed *in toto*.

Under authority of these acts, the Military Board, on January 12, 1865, agreed to sell to George W. White and John Chiles 135 of these bonds, then in the State Treasury, and seventy-six others which were then in the hands of certain bankers in England.<sup>28</sup>

<sup>25</sup>Gammel, *Laws of Texas*, V, 491.

<sup>26</sup>Lubbock to Benjamin, *Off. Rec.*, Ser. IV, Vol. I, p. 839.

<sup>27</sup>Gammel, *Laws of Texas*, V, 489. The original suggestion of Secretary Benjamin was not followed. Instead of buying the arms outright in the name of Texas, the board turned over \$100,000 of the United States bonds to Giddings, and took his receipt. The board expected Benjamin to acknowledge the receipt and to deposit Confederate bonds in exchange. Benjamin, however, ordered Giddings to return the United States bonds immediately, saying that the law only allowed him to *purchase arms*. This statement was accompanied with a mild rebuke. The letter of Benjamin to the Military Board also displayed some acerbity, and led to strained official relations between the two. The original purpose of the act creating the Board was, therefore, not accomplished on account of the very technical interpretation of the law by Benjamin.

<sup>28</sup>The Military Board, as first constituted, consisted of the governor, the treasurer, and the comptroller of public accounts. Later, in 1863, the law was changed, making the board to consist of the governor, *ex officio*, and two others appointed by him. Prior to this act, the board had been called the Old Board, and after it, the New Board. During all the periods of its existence, the changes in personnel were as follows: From January, 1862, to November, 1863: F. R. Lubbock, C. R. Johns, and C. H. Randolph; from November, 1863, to April, 1864: P. Murrah, Johns, and Randolph; and from then on,—Murrah, N. B. Pearce, and J. S. Holman. It was the board as last constituted that made the contract with White and Chiles. During the existence of both boards, \$634,000 in the bonds and \$132,700 in coupons were used. For an account of the Military Board and of the various contracts which it made, see the report of Pease and Palm.

The bonds, mentioned above as being in England, were in the hands of Messrs. Droege & Company, of Manchester. In 1862, the Military Board

In payment for these bonds, that is, for the first 135, White and Chiles were to deliver to the board 25,000 cotton cards, equal in value and quality to No. 10 Whitmore cards, and, secondly, medicines of the best grade.<sup>20</sup> In case these articles were not delivered, White and Chiles were bound to deposit with the State, bonds of Texas equal to the amount turned over to them in the United States bonds.<sup>20</sup> As security, these men offered the names of seven prominent citizens of Texas.<sup>21</sup> This guarantee being considered sufficient, the board delivered the bonds to White and Chiles, but none of them was indorsed by any governor of Texas.

Whether through the fault of White and Chiles or not, the cards and medicines were never delivered to the board. From the testimony, it appears that they sent these articles to Matamoras, Mexico, which was then a portage to the Confederacy, and that here the agent of White and Chiles took possession and forwarded the cards and medicines to Austin. *En route*, however, they were destroyed by some one of the bands of marauders or robbers which then infested the borders of the State. According to Chiles, the work of destruction or seizure was done by the disbanded soldiers

had authorized the firm of John M. Swisher & Company of Austin, Texas, to negotiate 300 of the indemnity bonds. In fulfillment of this arrangement, Mr. Swisher had transported the bonds to England, and had employed Droege & Company as his agents. He deposited the bonds with this house in his own name, and the transaction was throughout apparently of a private character. Through Droege & Company a sale was effected during the first year; 149 of the bonds were sold to George A. Peabody & Company for £25,981, payable in three installments. The remaining 151 bonds were still in the possession of Droege & Company when the contract was made between White and Chiles and the Military Board, and it was upon these bonds that the board drew when it transferred the seventy-six bonds to White and Chiles.

<sup>20</sup>A copy of the contract between White and Chiles and the Military Board may be found in the *File Copy of Briefs* for 1876. This document is in the library of the Supreme Court at Washington. According to Governor Hamilton, the original draft of this contract was found by Mr. Swante Palm in one of the rooms of the State Capitol among the waste papers which had been scattered there when the Confederates abandoned the building. Led by curiosity, Mr. Palm looked about and discovered many of the papers later employed in the case of *Texas v. White* by the legal representatives of the State, including the receipt and a partial list of the numbers of the bonds transferred to White and Chiles. Record of the case, 79.

<sup>21</sup>The bonds here referred to were the 7 or 8 per cent State bonds of Texas. In reckoning the amount to be deposited, it was agreed that the United States bonds were to be rated at eighty cents on the dollar, the State bonds at par. See Pease and Palm; Paschal's *Digest*, 908.

<sup>22</sup>Paschal's *Digest*, 908.

of General Kirby Smith. Whether such was the case or not, it is impossible to say with any degree of certainty.

In the record of the case, it was stated that, as early as 1862, George W. Paschal, a loyalist of Texas, wrote to the secretary of the treasury of the United States, Mr. Chase, warning him that an effort was going to be made to utilize the indemnity bonds in the interests of the Confederacy, and informing him that such bonds could be identified by the absence of the governor's indorsement.<sup>32</sup> Apparently this statement was made on the assumption that all bonds circulated before the war had been so indorsed. As has been pointed out, however, this was by no means the case. We are informed that the treasury department acted on this information, and that, in general, payment of bonds and the interest was refused when such indorsement was lacking. This policy, however, was not always followed, and some of the bonds of this character were redeemed.<sup>33</sup>

#### *Restoration and Reconstruction of Texas*

After the close of the war, the federal troops rapidly entered and easily obtained control of a large part of Texas. Immediately before this event, many of the State officials fled to Mexico or to Europe. Coincident with this flight, organized civil government practically disappeared. As the Confederate authority collapsed, the President, by virtue of his military powers, filled the governmental vacuum by the creation of a provisional government. He issued his proclamation, appointing A. J. Hamilton provisional governor, on June 17, 1865. Under this government, the people of Texas proceeded to make a new constitution in which was incorporated what were considered to be the legitimate results of the war. In accordance with this instrument, an election was held for both state and national officers. In this election, the suffrage qualifications were practically the same as had obtained before the war. J. W. Throckmorton was chosen governor, and was promptly installed. The men elected to Congress were given their credentials, and, at the proper time, presented themselves at Washington for admission. The President urged

<sup>32</sup>7 Wallace, 706; Paschal's brief, *File of Briefs*, Vol. I, 1876.

<sup>33</sup>Report of the (U. S.) Comptroller for 1865.

that their demand be granted, and that Congress should thus place the stamp of its approval upon his efforts to restore the Southern States to their constitutional relationship with the government of the United States. Congress, however, saw fit to act otherwise, and Texas and the other States which had attempted secession were not acknowledged to have been satisfactorily restored. On the contrary, an amendment to the Constitution was submitted to the States for ratification, and acceptance of it was made a preliminary condition to the readmission of those States which had lately been at war against the Union. Texas, in company with the other Southern States, rejected the fourteenth amendment, and thus effectively blocked the congressional plan of restoration. The radical leaders in Congress then introduced measures for drastic reconstruction. By the act of March 2, 1867, it was decreed that no legal government existed in the late insurrectionary States, and that there was no adequate protection of life and property. The States whose governments were so impugned were then divided into five military districts, and it was made the duty of the President to assign to each district a general of the army. To such officers, ample powers were given to suppress disorder, and to perform the other duties which were then and later imposed upon them. Although the avowed purpose was the establishment of a more substantial and reliable police power in the Southern States, the real purpose was political. A convention was to be held in each State "elected by the male citizens of said State, twenty-one years old and upwards, of whatever race, color or previous condition."<sup>84</sup> Later, on March 23, certain rules were prescribed for the registration of the enlarged electorate contemplated in the earlier act. Governments in existence in these States were declared to be subject to the paramount authority of the United States at any time, to abolish, modify, or supersede them. And they were modified or superseded whenever the occasion, in the opinion of the commander, seemed to warrant it.

Of these military districts, Texas and Louisiana formed the fifth. The officer first designated as commander of this district, General Sheridan, soon took over a very large share of the admin-

<sup>84</sup>See treatment of these laws in Dunning, *Essays*, 176 *et seq.* The text of the laws is to be found in Fleming, *Documentary History of Reconstruction*, I, 401 *et seq.*

istration of the government, civil and judicial, as well as military. Governor Throckmorton proved too moderate and conservative, and Sheridan removed him, assigning as a reason for such action that the governor was "an impediment to reconstruction."<sup>35</sup> In his stead, former governor, E. M. Pease, was appointed. Thus the State government was reduced to the position of subserviency and impotence prepared for it by the action of Congress. Thenceforward it becomes difficult to associate with it the attributes hitherto considered necessary to the existence of a State.

The foregoing paragraphs epitomize the history necessary to a right understanding of the case, and I now turn to an examination of the action of the various governments therein mentioned in reference to the Texas bonds. The finances of Texas, like those of the other States of the distracted South, were in disorder and confusion at the close of the war. Among the earliest efforts at rehabilitation, were those directed to remedy this condition. Governor Hamilton appointed Messrs. E. M. Pease and Swante Palm to investigate the treasury, and, in general, the financial condition of the State. They were also to inquire about the disposition of the bonds and to recommend methods of recovery, if such were feasible.<sup>36</sup> To supplement and legalize these steps, the constitutional convention of 1866 passed an ordinance empowering the governor to take steps to recover the bonds or to compromise with the holders.<sup>37</sup> This action was inspired by George W. Paschal, who was later appointed financial agent and legal representative of the State. In most of the efforts, legal and otherwise, to recover the bonds, the influence of Paschal was strong, if not predominant.<sup>38</sup>

<sup>35</sup>For detailed study of this period in Texas, in all its aspects, see Ramsdell, *Reconstruction in Texas*. For a discussion of this particular topic, see pp. 145 *et seq.*

<sup>36</sup>Paschal, *Digest*, 905. This report contains a history of the contracts, sales and receipts of the Military Board. It may be found in Executive Record Book No. 281.

<sup>37</sup>Gammel, *Laws of Texas*, V, 889. *Ordinances of the Convention No. 12*. Adopted April 2, 1866.

<sup>38</sup>Mr. George Washington Paschal was a man of considerable prominence and influence in the political affairs of Texas. Prior to the war, he had been the friend and supporter of Houston, and had contributed powerfully to his election as governor in 1859. During the war he remained constantly loyal to the Union. His views on secession were made public in the *Southern Intelligencer*, which he established and partly

The work of regaining actual possession of the bonds was started by General Granger immediately after the occupation of the State by the federal troops. He issued a proclamation ordering that all moneys belonging to the State should be turned over to the military authorities. As a result of this order, 106 of the indemnity bonds were recovered and were given to Hamilton when he was installed as governor. After Hamilton came into office, an effort was made in the Texas courts to recover bonds from White and Chiles, but neither of these men was then in the State,—White having fled to Tennessee, and Chiles having removed his residence to New York. The result was that this effort proved fruitless. As governor, Hamilton resisted the efforts of White to secure a pardon for participation in the war, and recommended the confiscation of White's property. Unofficially, the governor seems to have played a very different part in this matter. According to the answers of both White and Chiles in the case of *Texas v. White*, Hamilton, while acting as governor of Texas, became their attorney or agent to assist them in securing the payment of the bonds in their possession. According to Chiles, a fee of \$10,750 was paid to Hamilton for his services. In White's answer there is the statement that "an understanding was arrived at with said Hamil-

owned. As a lawyer he also attained to some distinction. He was the author of a number of works, among which are: *A Digest of Texas Law*; *Annotated Constitution of the United States*; *Digest of the Decisions of the Supreme Court of Texas*; and *Life of Sam Houston*. During the Reconstruction period, he became an ardent supporter of the Congressional plan. He joined the radicals, and endorsed the most extreme position occupied by that party. He took a prominent part in the convention of Southern Loyalists at Philadelphia, in 1866, and used his influence against the Johnson administration in the election which followed. It was his boast that he "contributed as much as any other man to the cause of popular liberty and in the establishment of the constitutional amendments, which give citizenship and suffrage to all." It was intimated that Paschal had motives other than those inspired by unselfish patriotism and loyalty to the cause of education which urged him to continue his efforts to secure these bonds. However this may have been, it is known that he was removed from his position as representative of the State by Governor Davis at least partially because of the largeness of the fee which he retained from the moneys collected for the State. Paschal defended himself from the charge of exacting an exorbitant fee by claiming that part of the money retained was compensation for printing certain reports of the Supreme Court of Texas. For a fuller discussion of this matter, see below, section "In re Paschal."

Like so many of the Southern Unionists and Radicals, Paschal later removed to the North. As Professor of Law at Georgetown University, he was highly respected for learning and ability.

ton, and it was agreed that said Hamilton should receive \$20,000, in said indemnity bonds, for his services in securing payment of said bonds, at the treasury of the United States, to an amount of \$135,000." In fulfillment of this agreement, \$10,000 was actually paid him, on June 22, 1865, and the remainder was to become due when the Treasury Department should redeem the bonds. This sum was deposited to his credit in New York City with that condition. A friend of the governor, J. R. Barrett, was also engaged for the same purpose, and a large fee was paid him. If these allegations were true, the conduct of Hamilton was, to say the least, open to question. As governor, he criticized White and Chiles harshly, and denounced them for having taken money which had been consecrated to the school fund. In another capacity, whatever it was, he wrote a letter to Barrett saying that the government of the United States would certainly redeem the bonds for the benefit of the holders, and stating that an offer on the part of White and Chiles to sell some of these bonds was a good proposition. Despite these seemingly contradictory positions, measures were taken by the State authorities to prevent the payment of the bonds to the holders by the United States Treasury.

Both White and Chiles, in their later defence, claimed that they offered to comply with that provision of the contract which required that in case they failed to deliver the cards and medicines they should pay into the State treasury a certain amount of Texas bonds. This offer was refused by the State treasurer and by the governor, and it was declared by both of these officials that the contract was not binding upon the State.

According to the law, the governor had the discretionary power of compromising with the holders of the bonds, if such served the interests of the State. After the election of Throckmorton, negotiations to this end were opened between him and White. It seems that at this juncture, White had in his possession most, if not all of the bonds which had not been disposed of previously. According to the explanation which Chiles made of this fact, it appeared that White had approached him and had requested that he be allowed temporary possession of the bonds in order that he might meet certain obligations and thus save his property in Texas, which was then being threatened. He wanted the bonds for security, and Chiles yielded. However this may have been, White agreed to

the compromise propositions of Throckmorton. By this agreement, the State received \$12,000 in currency and eight bonds, which were then on deposit at the United States treasury. White also released his claim to the seventy-six bonds in England, and, in turn, the State released White and Chiles from all obligations. This compromise seems to have recognized some legal validity in the contract made by the Military Board. In effect, it allowed White to retain certain bonds in his possession, the number of which is uncertain, and released him from the obligations of his contract, which became operative on the failure to deliver the cards and medicines. He surrendered his shadowy claim to the bonds then in the hands of Droege & Company in England, but Chiles later attempted to secure them, and was adjudged in contempt of court for so doing. The bonds which were involved in the case of *Texas v. White et als.*—fifty-one out of the original one hundred and thirty-five—were not affected by this compromise and depended on the issue of the suit, since they had been transferred to other parties. Yet the injunction petition seems to have been sufficiently inclusive that when once granted all of the bonds would have been affected. The compromise, however, had no relation to the case in question except indirectly, as mentioned.

Chiles complained bitterly against this compromise, and contended that the result of the whole proceeding was to deprive him of his rights, and that it was effected without consultation with him. He protested to the governor of Texas, and later introduced a cross-bill against White for recovery and damages, but in neither case was he successful in securing his object.<sup>39</sup>

When the State legislature was convened, after the election of Throckmorton, an act was passed which embodied the same provisions as were contained in the ordinance of the convention before mentioned.<sup>40</sup> Empowered by this law, Throckmorton appointed B. H. Epperson financial agent and legal representative of Texas. In the legal measures which Epperson took to regain the bonds the attorney-general, William M. Walton, was associated

<sup>39</sup>For the terms of this compromise, see the record of the case, *File of Records*, 1876, p. 64 *et seq.* See also the report of the (Texas) Comptroller of Public Accounts for 1866-1867, 1869-1870. The records of the case are found, of course, in the library of the Supreme Court at Washington.

<sup>40</sup>Gammel, *Laws of Texas*, V, 987.

with him.<sup>41</sup> When Pease was installed as governor, the Throckmorton agents were dismissed, and Paschal again became the official representative of the State, serving as one of the lawyers when the case of *Texas v. White* was being tried before the Supreme Court.

*Transfers of Bonds from White and Chiles*

The bill in the case showed that, after the war, White had sold a number of bonds to John A. Hardenberg, and that Chiles had borrowed money from Birch, Murray & Company, giving bonds as security.<sup>42</sup> Apparently Hardenberg had bought his bonds in an open market, and he insisted that the purchase was *bona fide*.<sup>43</sup> Whether such was the case, provoked a lively debate among the lawyers. It was asserted by the Texas lawyers that Hardenberg and the others who had purchased bonds had had sufficient notification of the intention of Texas to dispute the title of White and Chiles to the bonds. Evidence was adduced to substantiate this contention. Paschal, in 1865, had written several notices to the

"Attorney-General's (Texas) report for 1866-67; report of Comptroller of Public Accounts of Texas for 1869-70. In the last document cited, there is an account of the activity of Epperson and Walton. See especially letter of Epperson to Comptroller Bledsoe, 16-17.

"For detailed account of the negotiations of White and Chiles in exploiting the bonds, see report of the case, 7 Wallace, 714-716; 25 Texas (Supplement), 465-621.

"7 Wallace, 710-714. It is beyond the scope of this paper to describe in detail the manner by which Hardenberg acquired possession of thirty-four of the bonds originally given to White and Chiles. In brief, however, it appears from the testimony that they passed through numerous hands before he bought them. The first trade was consummated through a commission merchant, named Hennessey, and he, in turn, had received them from a Mr. Douglas, of Tennessee. Douglas was the representative of White in this transaction. Although Hardenberg did not know the exact source whence these bonds came, he was aware that the original owner had not been loyal to the United States during the late inter-sectional conflict. He made no investigation to ascertain the identity of this owner. For these bonds he paid 120 cents on the dollar at a time when gold was selling at 146 and declining. This he considered to be a good speculation. By this purchase he got possession of thirty bonds. He also got four others,—one from McKim & Company, at 115 cents on the dollar with gold at 147, and three from Kimball & Company at 120 cents on the dollar with gold at 146. In his testimony, Hardenberg professed not to know that the bonds came from White or that Texas had ever passed a law requiring the indorsement of the governor in order to make the indemnity bonds negotiable. There seems to have been a great deal of speculation in United States bonds at that time. The bonds were redeemed in gold, and the holder promptly cleared a handsome premium from the high prices of gold then current.

New York papers,—or at least was instrumental in causing them to appear in the news columns,—in which he cautioned the public not to buy any of the bonds held by these parties, and declared that Texas was going to contest the claim of White and Chiles. These notices were published in the *Herald* and in the *Tribune*.<sup>44</sup> If these newspaper statements should be accepted by the court as legal notification, the purchase of bonds by Hardenberg was merely a speculation in which his good faith was questionable.

Birch, Murray & Company had taken a number of the bonds as security for a loan to Chiles. At first the firm lent him \$5000, for which he deposited twelve bonds. These bonds were taken to the United States treasury where four were redeemed, the principal and coupons amounting to \$1900.<sup>45</sup> The eight remaining unredeemed were left at the treasury, credited to the firm. Chiles still desiring to borrow money, again approached Birch, Murray & Company. This time he brought with him a letter from Governor Hamilton and a report from the comptroller of the treasury, both favorable to the payment of the bonds by the government.<sup>46</sup> These

"Under the caption "Caution to the Public" Paschal wrote the history of the Texas indemnity bonds. In conclusion he said: "Now, therefore, I think proper to give the public notice that said bonds were delivered to White and Chiles by irresponsible parties, without any legitimate authority and in violation of a statute of the State, which requires said bonds to be endorsed by the governor of the State before they shall be available in the hands of any holder; that they were delivered under a pretended contract, which bears upon its face indisputable evidence of fraud, and that the said White and Chiles, not either of them, have ever paid or caused to be paid to the said State of Texas one farthing in money or securities, or property of any character for said bonds, and have both fled from the State of Texas to avoid prosecution and punishment under the laws of the State; and that these facts are known to the Secretary of the Treasury of the United States, and a protest filed with him against the payment of said bonds and coupons, unless presented for payment by proper authority of the State of Texas." The *New York Tribune*, October 10, 1865. This notice appeared above the signature of Governor Hamilton, and it is possible that he may have written it.

"The treasury department was influenced by the plea that the loan had been made in good faith, and the number of bonds redeemed showed that an attempt was made to reimburse the firm to the extent of its outlay. 7 Wallace, 715-716.

"Chiles had also approached J. R. Barrett, a friend of Governor Hamilton, and had made him an offer. Barrett consulted Hamilton and was advised to accept the proposition. This advice the governor finally embodied in a letter to Barrett. "Dear Sir: In reply to your question about Texas indemnity bonds issued by the United States, I can assure you that they are perfectly good, and that the gov't will certainly pay them to the holders. Yours truly, A. J. Hamilton."

documents overcame whatever hesitancy the firm had, and, on the security of the eight bonds already deposited with the treasury department, Chiles secured \$4125 as an additional loan.

The attitude of the United States treasury department toward these bonds was not consistent. At one time, payment was refused, and at another it was promised.<sup>47</sup> Finally, after the holders became insistent, Secretary McCulloch ordered the comptroller, R. W. Tayler, to make a report on the subject and submit recommendations as to the proper course to follow. Such a report was made, and it revealed careful investigation into the entire matter. Tayler recommended that the bonds be paid. In accordance with this suggestion, the secretary ordered that payment be made on all bonds of this character that were presented. To this the Texas agents entered a strong protest.<sup>48</sup> They also carried the matter to the President, insisted that, by executive order, he forbid payment of the bonds, that White be arrested, and that his pardon be withheld. President Johnson declined to be drawn into a controversy over White, or "to administer the affairs of Texas."<sup>49</sup> Finding appeal to the President of no avail, the agents appeared again before the comptroller, and submitted a long argument against payment of the bonds. They were informed that, unless the State took legal action within one week, the bonds would be redeemed in behalf of the holders. Legal proceedings were instituted at once, and the result was the case of *Texas v. McCulloch*, which was dismissed on February 19, 1867.<sup>50</sup> Then many of the outstanding bonds were paid.

The records of the treasury department show that the Hardenberg bonds were redeemed at that time. Although this was technically the case, the entry in the books did not describe the con-

<sup>47</sup>See Comptroller Tayler's special report on this subject, 1866. *Op cit.*

<sup>48</sup>These agents were Epperson and Walton.

<sup>49</sup>White was one of the southerners who, possessing more than \$20,000 in wealth, had to make personal application for pardon. Later Paschal complained that White "seemed to be one of the influential men at the 'White House,' having access at all times." According to a statement of the late Judge A. W. Terrell, of Texas, to Professor Charles W. Ramsdell, of the University of Texas, White was a Tennessee friend of Johnson. Judge Terrell said that White not only secured his pardon easily, but actually resided for a time in the White House; that when he (Terrell) returned from Mexico in 1866 and went to Washington to get his own pardon, he found White staying at the White House.

<sup>50</sup>4 App., 58; see 7 Wallace, 714.

ditions of payment, and the real history of the transaction did not become known until later. It was accomplished only after McCulloch and Hardenberg had reached a private agreement. The secretary hesitated to pay the bonds, because there was a possibility that Texas, after the State's case had been tried upon its legal merits before the Supreme Court, might begin a suit against him for damages and restitution. Congressman S. S. Cox, then representing Hardenberg, proposed an arrangement whereby the secretary would be protected should this eventuality occur. According to his plan, Hardenberg was to receive payment of the bonds in gold. He was then to deposit, in some bank, in United States bonds known as "seven-thirties" a sum equal to that paid him in redemption of his Texas bonds,<sup>51</sup> of which the secretary of the treasury was made the trustee, and which was to revert to him in case of a suit being decided against the validity of Hardenberg's title to the Texas bonds, and in case the United States treasury was held accountable for the amount paid in redemption.

## CHAPTER II

### THE ARGUMENT OF THE LAWYERS

The case was argued by G. W. Paschal and R. T. Merrick for Texas;<sup>1</sup> and *contra*, by Philip Phillips for White, Albert Pike and associates for Chiles, J. W. Carlisle for Hardenberg, and James W. Moore for Birch, Murray & Company. All of these gentlemen were prominent members of the Supreme Court bar, and, as such, were lawyers of marked ability. The most unique character among them was the soldier, poet, and lawyer, Albert Pike, who a short while before had served with distinction as a general in the armies of the Confederacy. With him were joined his partner, R. W. Johnson, and James Hughes.

The bill as made out by Paschal and Merrick set forth the case of Texas. It may be capitulated under six headings. First, that the bonds were seized by an unlawful combination of persons in armed hostility to the government of the United States. Second,

<sup>51</sup>Later these "seven-thirties" were exchanged and "five-twenties" of an equal amount substituted. See *Texas v. White*, 7 Wallace, 713-714; *Texas v. Hardenberg*, 10 Wallace, 73-77.

<sup>1</sup>Paschal and Merrick were assisted by R. J. Brent and George Taylor.

that the bonds were sold to White and Chiles for the purpose of aiding the Confederate authorities in overthrowing that government. Third, that, granting the legality of these proceedings, White and Chiles had not fulfilled the requirements of their contract with the Military Board. Fourth, that the bonds were not properly endorsed, and consequently might be identified. Fifth, that the bonds were matured, and that payment was overdue. Sixth, that the later transfers to Hardenberg and others were not made in good faith.

The answers of White and Chiles, which were very much alike, may also be summarized under six heads. First, that Paschal and Merrick had shown no written warrant of attorney as evidence of their authority to represent Texas in proceedings of this nature. Second, that Texas, by seceding from the Union and later waging war against the United States, had lost the status of a State in the American Union, and, therefore, had no right to sue in the Supreme Court. Third, that the Texas government, whether *de facto* or *de jure*, had entered into a contract which it could not now repudiate. Fourth, that the endorsement of the bonds by the government was not necessary to render them negotiable. Fifth, that circumstances over which White and Chiles had no control had made it impossible for them to fulfill their contractual obligations. Sixth, that prior to the transfers of the bonds to other parties they had had no *definite* information that Texas intended to contest their title.

Such was the case when it came up for final argument. It will be seen that there were four questions involved, and that each in turn came up for adjudication by the court. First, a preliminary one of minor significance,—whether Paschal and Merrick could show sufficient authority to prosecute in the name of Texas. Although there was much wrangling about this question of authority, it was not serious; the entire discussion about it was mere legal by-play. The second, however, was far more important. This was a question of jurisdiction,—whether or not Texas was a State in the Union when the suit was filed, and thus competent to be heard in an original case before the Supreme Court. Third, whether an injunction was to be granted against the persons named. Fourth, as to the effect produced by the payment of certain of the indemnity bonds by the United States treasury.

Of these questions, the second was of greatest import. In deciding it, the court was to place on record a precedent of fundamental and permanent value. Was Texas a State in the Union? If not, the case must be dismissed because of the constitutional limitation as to the original jurisdiction of the Supreme Court. The most important questions occasioned by the war were involved, and it was necessary for the court to consider them in order to determine and formulate the constitutional principles emerging from those extraordinary conditions. Concerning this question of jurisdiction was waged one of the great battles of our legal history. The briefs of the various lawyers covered several hundred pages, so carefully and exhaustively were the details treated.<sup>2</sup>

Paschal based his theory and constitutional interpretation upon the postulate that: 'The Union is indestructible and indissoluble; that Texas had surrendered all rights of self-determination when she entered the Union, and all acts in contravention of that surrender were null and void. He contended that

The State as a State did not and could not rebel against the United States. But the magistrates of the State, including the Legislature, refused to take the oath required by the Federal Constitution (and) took an oath to support the pretended government at war with the United States. . . . The secession ordinance was void; the attempted dissolution of the Union was void; the relations to the new Confederacy was void; all legislation in opposition to the Constitution, treaties and laws of the United States, was void; and, therefore, the body politic no more ceased to be a State in the Union than was the vast domain geographically elided from the boundaries of the United States.

Through all the manifold changes undergone, the status of Texas as a State in the Union remained the same; and all efforts at alteration were of no effect, because they had no standing in law. This was very largely an echo of the popular view in the North, and it possessed in the eyes of the court the great weight derivable from the approval of public opinion.

Phillips, in opposition, invited the attention of the court to the

<sup>2</sup>The arguments of Paschal, Merrick, Pike, Phillips, Hughes, and the other lawyers may be found in an abridged form in 25 Texas (Supplement) Reports. In a complete form they can be found in the file of briefs in the Supreme Court library at Washington and in the library of the New York Bar Association. Since the litigation connected with this case covers a number of years, the briefs were collected in the volume for 1876. *File Copy of Briefs, 1876, 1 Org'l—22 Org'l.*

facts in the history of Texas since the adoption of the ordinance of secession, and insisted that these facts did not justify the claim that she remained a *State* throughout this period. The definition of a "State," under the Constitution, would not permit the admission of such a claim. The definition to which he appealed was firmly imbedded in the opinions of the Supreme Court and had been accepted as a maxim of constitutional law, and these opinions were uniformly and consistently against the present pretensions of Texas. In the famous case of *Hepburn and Dundass v. Ellzey*, Chief Justice Marshall had held that the term "State," in the American Union, connoted something of a nature in many respects separate and distinct from that usually given to it in treatises on general or international law.<sup>3</sup> The Constitution of the United States contemplates a political body which is entitled to representation in the Senate and House of Representatives, and to the appointment of presidential electors. The "political body" in this Union which is possessed of these rights is a State. This case, according to Phillips, presented a clear and well defined test which would demonstrate whether or not Texas at that time was a "State" in the constitutional sense of the word. The principle to which this advocate referred had been upheld and approved in other cases, and so far as time could give it, the opinion had the unquestioned sanctity of legal precedent.<sup>4</sup> Continuing this argument, he inquired<sup>5</sup>

<sup>3</sup>2 Cranch, 452.

<sup>4</sup>The decision was specifically upheld in *New Orleans v. Winter* (1 Wheaton, 91) and in *Scott v. Jones* (5 Howard, 343). It is pertinent to introduce here a statement of some of the other definitions of a "state" under the Constitution. In *Chisholm v. State of Georgia* (2 Dallas, 419), a state was defined as "a complete body of free persons, united together for their common benefit, to enjoy peaceably what is their own, and to do justice to others." This definition was expanded in the great case of *Penhallow v. Doane* (3 Dallas, 93), so that a "state," in its most enlarged sense, means the people composing a particular nation or community. In that sense is the whole people united in one body politic, and thus the "state" and "the people of the state" are equivalent expressions. This last case had an interesting bearing upon certain points of the controversy we have been considering. What were "the people of the state?" Does a true republican form of state government require the participation of the whole people? And finally if the people constitute the state, is the action of the people the action of the state? Such a deduction was disquieting to those who denied the *de facto* participation of the state in the efforts to secede. It was, therefore, a dangerous precedent for all parties.

<sup>5</sup>Phillips' Brief, 4.

Now what is the condition of Texas? She is denied the right of representation in Congress, and all power to appoint electors. Her State government is declared to be illegal. All authority to govern her is lodged in a military commander; civil tribunals are made subservient to his dictation; a provisional government is appointed by the President according to military authority. This condition is wholly inconsistent with the idea that there remains with the people of Texas any political power whatever, or that they are entitled to any of the guarantees of the Constitution of the United States. . . . If the laws which deprive her of these rights and impose these disqualifications are valid—that is, if she is not entitled to representation in Congress, and a voice in the choice of electors, then I maintain that she is not a member of the Union, that she is not a State within the sense of this jurisdictional provision.

This argument placed an alternative before the court which demanded either the adoption of Thaddeus Stevens' conquered-province theory or the repudiation of the action of Congress. In the quaint and involved language of General Pike, we may find the theory of Stevens advocated for adoption by the court:

It seems to us that if the right to secede did not exist, contradictions if not absurdities, can only be avoided, by holding that the people of the State, constituting and being the State, did secede in fact; that the State government being unchanged, its acts were the acts of the people of Texas, done through their chosen agents; that, when the Confederation was acknowledged to be a belligerent Power, there was no longer a rebellion, but a war, a public, not a civil, war; that after conquest, the status of rebels and traitors could not, for any purpose, be reimposed upon the people of Texas; since, if it could, General Lee, having been paroled, could not be tried for treason, while Mr. Stephens, who was but a civil officer, could; that the United States may exercise the rights of conquest over what, being conquered, ceased at once to be a State, and became a province, without any right of readmission into the Union. . . .

General Pike was impatient with that line of reasoning which sought to justify the actions of the President and of Congress, while at the same time asserting that, during these activities, the existence of Texas as a State remained unimpaired and uninterrupted. With some indignation, he related the story of Texas under the domination of the military government, which he de-

scribed as government by "pro-consuls." As to the effect of the operation of the Reconstruction laws, he said:<sup>6</sup>

We do not say that all this is not warranted by the title of conquest, or that it is not right and just in itself. We only say that Texas has been and is governed under the title of conquest, and, therefore, is not a State. . . . It is not the question, therefore, whether Texas is rightfully excluded from the Union and governed as a province, but whether it is so in fact. Congress may deny it the right to sue here as a State, with precisely the same right that it can refuse the right of representation. It can not be a State for the purpose of suing here and not a State for the purpose of taking part in the legislation of the country. . . . Incapacitated to do one, it is incapacitated to do the other.

Merrick took a quite different attitude, and presented a different line of argument. Concerning the status of Texas, he admitted that the facts indicated a change in the form of government. He argued from the leading case of *Luther v. Borden* that sovereignty resides in the people of the State and they, by virtue of their inherent right and power, may change the form of government.<sup>7</sup> The question as to the validity of this change is one to be decided by the political power in the United States government, and the courts are bound to follow the decision rendered by that power. The political power has declared that the attempted secession was invalid. It was, therefore, void. The government of Texas as organized by the President and under which Throckmorton had been elected governor, had been recognized by the executive and legislative departments. The Supreme Court was, therefore, estopped from further inquiry into the status of that government.

The argument as to the merits of the case turned on the question of the validity of the contract between the Military Board, representing an illegal government, and White and Chiles. Paschal and Merrick contended that after Texas had passed the ordinance of secession, in 1861, the State government was in rebellion against the United States, and that it could not acquire any legal title to the bonds which were found in the State treasury. The purpose, moreover, of such an utilization of the bonds had been to injure the federal government and to destroy the Union. This

<sup>6</sup>Pike's Brief, 10; 25 Texas (Supp.) Reports, 512.

<sup>7</sup>Howard, 1.

manifestly treasonable intention removed whatever semblance of legality there might otherwise have been to the transaction.

The defense urged that, in case Texas was a State, she had by her chosen agents empowered the Military Board to act, and that now the State could not *ex post facto* deny its own laws and contracts. Furthermore, it could not be claimed that only certain misguided and disloyal people, not the *State*, were acting. It was maintained that, "A State can only act through its agents, and it would be absurd to say that any act was not done by the State which was done by its authorized agents."<sup>8</sup> If Texas was a State, then for the purposes of this case, it was the same State that existed when the contract was made. Phillips held that the ordinance of secession had only dissolved the relations of the State to the national government, and that the state government was left intact. In this condition, the relationship of the people to the state government had been the same, and an act of that government was as much an expression of the people's will as before. Such being the case, he argued that,<sup>9</sup>

A nation or State can not by changing its government, which is the organ of its will, disengage itself from its obligations nor forfeit the benefits of its treaties or contracts.

The answer of the State's attorneys to this argument was an appeal to political theory. A State and its government are not one and the same. The *government* sold the bonds, but the *State* was not bound by the contract. Just as the State had remained unaffected by the disloyal practices of the individuals who seized

<sup>8</sup>*Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Peters, 318.

<sup>9</sup>This principle has been upheld by the Supreme Court. In *White v. Cannon* (6 Wallace, 443), the court had held that a judgment of the Supreme Court of Louisiana, rendered some days after secession of the State, was valid. This was based on the assumption that the ordinance, being an absolute nullity, was inoperative. Later, in *United States v. The Insurance Companies* (22 Wallace, 99), J. Strong, speaking of the so-called rebel legislatures of Georgia, said: "If not a legislature of the State *de jure*, it was the only law-making body which had any existence. Its members acted under color of office, by an election, though not qualified according to the requirements of the Constitution of the United States." It was accordingly held that a corporation chartered by this legislature for the purpose of conducting an insurance business, not in hostility to any of the provisions of the Constitution, was a legal body, with authority to sue in the United States courts. All the acts of the *de facto* legislature, not in conflict with the interests of the Union or the authority of the general government, were legal.

the government, it was likewise free from responsibility for any contracts made in furtherance of the rebellion. A corollary of this logic is that a change in the form of the government of a State is not a change in the essence of that State.

The argument of the defense would probably have proved too powerful for successful contradiction had it been possible to demonstrate that the contract had been made for peaceful purposes. The lawyers submitted a very learned argument to support this idea, but it failed to carry conviction. They claimed that the contract had not been made to assist the rebel government, but for a humanitarian purpose; that "defence of the State" had no necessary reference to a defence of the Confederacy. However plausible and astute this line of reasoning might be, the history of the case, as presented by the State, was convincing to the contrary; and it came to be recognized that the contract was made with the intention of aiding the rebel cause. The failure to establish innocence of disloyalty in the contracting parties proved an insuperable obstacle to what should have otherwise been a decisive argument.

## NEW YORK AND THE INDEPENDENCE OF TEXAS

JAMES E. WINSTON

The *New York Courier and Enquirer* of June 6, 1836, copied from a Mexican journal the following comment upon the massacre of Fannin and his men: "Humanity will recoil at this event, as the prisoners had surrendered; *but it is absolutely necessary to exterminate this race of serpents*, whom in an evil hour we have permitted to come into the country." In these words are summed up the beginning of all of Mexico's difficulties with her rebellious subjects. When Stephen F. Austin led his colony of three hundred Anglo-American settlers into Mexican territory, the first step was taken in the march of events which were destined, sooner or later, to result in the dismemberment of Mexico.

It has been the fashion for writers to see in the movements connected with the independence of Texas and its annexation to the United States only a scheme pushed forward by the slave power.<sup>1</sup> It is safe to affirm that had there not been a single slave within the limits of the United States, the independence of Texas and its subsequent incorporation within the American Union would have come about just the same. The question of the annexation of Texas became involved with another question,—the further extension of slavery—and the fierce passions engendered by the discussion of the latter have colored the treatment of the Texan question by those writers whose abhorrence of everything connected with slavery has led them to attribute all our national sins for a period of several decades to the iniquitous "slave power." The diplomacy of the American government during the years preceding the annexation of Texas has been characterized as dark and tortuous.<sup>2</sup> The Mexican War, according to these writers, was an unjustifiable attack by a strong power upon a weak one; and when the weaker nation had succumbed, the United States outrageously filched from its beaten foe an enormous portion of the latter's territory. In a word, the entire period in our

<sup>1</sup>For such a partisan treatment, see Schurz, *Henry Clay*, I, 86, *et seq.* This view has been effectually disposed of by Smith, *The Annexation of Texas*, 28-29.

<sup>2</sup>See Rhodes, *History of the United States*, I, 75, 86.

history beginning with the Texan revolt in 1835 and ending with the treaty of Guadalupe Hidalgo in 1848, they say, is one of which Americans should feel thoroughly ashamed. While few, perhaps, would contend that the government of the United States should be acquitted entirely of blame in its dealings with Mexico, it is doubtful if, in spite of the abuse which has been heaped upon Polk, there is one who would be willing to surrender a foot of the territory acquired by a President whose administration, a recent writer asserts, stands second to few, so far as achievements of vital importance are concerned.<sup>3</sup> While designing men and sordid motives were not entirely wanting in connection with the movement for the independence of Texas, yet the *empresarios* who settled Mexican soil were, in the main, moved by "the never extinct yearning in the United States for territorial expansion." This same yearning was to carry the western boundary of the United States beyond the Stony Mountains, stopping only at the shores of the Pacific.

It was in the fall of 1835 that the citizens of New York State read in their papers of the invasion of Texas by Mexican troops. The news excited great interest in the empire state, as is evidenced by the large amount of space given to the Texas question by the leading journals in New York City.<sup>4</sup> Of these the *Courier and Enquirer* and the *Evening Post* were perhaps the ablest. The former was edited by James Watson Webb and was a staunch defender of Whig principles. Hence the tone of this newspaper was at times decidedly hostile to Texas. Our government, it asserted, could ill afford to promote the views of land speculators or those engaged in an illicit trade.<sup>5</sup> What illicit trade this was is not stated, but evidently reference is intended to the slave trade.

<sup>3</sup>Dodd in *American Historical Review*, XVIII, 524. See Schouler, *History of the United States*, V, 124: "The crown jewels which Polk's strong policy bequeathed to the country were of priceless worth.—Oregon, and all that splendid spoliation of Mexico, whose chief of hidden treasures was California."

<sup>4</sup>See the letters of Henry Meigs of New York to Austin, cited by Miss Ethel Z. Rather, "Recognition of the Republic of Texas by the United States," *THE QUARTERLY*, XIII, 171.

<sup>5</sup>*New York Courier and Enquirer*, Oct. 28, 1835. This newspaper had its regular New Orleans correspondent who kept it informed as to the situation in Texas. An interesting letter from this source appeared in the issue of Nov. 21, 1836. Among other things, the writer expressed the opinion that the Texan war was a mere pretext on the part of Mexico to establish upon a solid basis a despotic military government.

The fact that a committee of New Orleans citizens were receiving donations for Texas called forth a lengthy editorial in the *Courier and Enquirer* against such proceedings. These fellows were nothing but "a set of frontiersmen styling themselves Texans or Texonians." The truth of the matter was that a party of land speculators, having failed to induce our government to purchase Texas, were determined to conquer that country on their own account. "Let Texas be conquered from Mexico—what then?—the history of Texas will be that of Mexico; and so on till Panama and the Pacific shall be the boundaries of our restless craving and insatiable avarice."<sup>8</sup> We know now that "the cohort of schemers and speculators"<sup>9</sup> formed but a small company among the friends of Texas. The statement characterizing the Texas emigrants as land speculators was not permitted to pass unchallenged. In the same journal for November 3, 1835, appeared a communication declaring the Texans were not rebels, nor were they incited to rebel by land speculators. Let individuals of the west, continued this writer, quietly repair to Texas and fight in behalf of liberty and chartered rights. The cause of the trouble, according to another contributor, was that Texas had excited the jealousy of the priesthood. The provisional government should declare the independence of Texas, seize the public lands, and offer some to volunteers. At any rate the region offered a fine field for adventurous spirits.<sup>10</sup>

The *Evening Post* vigorously repelled the insinuations which found widespread currency as to the character of the Texan settlers. "The society to be found there is composed of men of intelligence and republican habits, and if men of a different description are to be found there, they bear as small a proportion to the whole number as bad men do in any other part of the globe."<sup>11</sup>

As may be imagined the *Albany Argus* was deeply incensed at the attitude of what it termed the 'opposition' press to the affairs

<sup>8</sup>*Courier and Enquirer*, Oct. 31, 1835.

<sup>9</sup>Smith, *The Annexation of Texas*, 31. Similarly, E. C. Barker, in the *Mississippi Valley Historical Review* for June, 1914 (I, 9), has this to say: "Land speculators may have been at the bottom of some of the enthusiasm displayed for the Texan cause, but their influence can hardly be established."

<sup>10</sup>*Courier and Enquirer*, Aug. 5, Nov. 3, 1835.

<sup>11</sup>*Evening Post*, Nov. 6, 1835.

of Texas. One of the worst offenders in this respect was the *National Intelligencer*. This journal and the *New York American* were doing their utmost to frown down enthusiasm for the Texan cause, thereby seeking to repress the emigration of volunteers to the region beyond the Sabine. It was very evident to the editor of the *Argus* that the *American* was annoyed at the prospects of the Texans sustaining themselves by volunteer aid against their Mexican oppressors—an instance of its foreign impartialities; furthermore by citing the pains and penalties of the neutrality laws, this same paper was seeking to check the generous impulse of its readers in regard to Texas. "Why does it scruple to aid and abet the corps of abolitionists who are plotting against the peace, safety and institutions of communities bound to us by strong ties and sacred obligations of our national compact?"<sup>10</sup> The fact that the *National Intelligencer* took obvious ground against its own country on the question of the treaty of limits with Mexico and accused "Gen. Jackson and the administration of a desire to provoke a war for the benefit of Mexico and for the relief of surplus revenue" might be explained by reason of its editor being an Englishman. On the other hand, the *Argus* continued, when the *Albany Daily Advertiser* charged the President with "being opposed to the natural and just claims of Texas," this was merely an appeal to the sympathies of the country against that monster of modern times, towit, Santa Anna; the appeal of the *Intelligencer* was to the Whig friends of the Mexican general. Not content with their unpatriotic and unsympathetic attitude, these journals of the 'opposition' were ever striving to destroy the character, influence and usefulness of General Houston by spreading abroad a suspicion that he had quarreled with the Texan civil authorities, and by representing that the victor of San Jacinto was suffering under the imputations of cowardice. The news that a speech of Adams had appeared in the Spanish official gazette at Madrid, July 12, drew from the *Argus* this comment: "Ex-Pres. Adams' Anti-Texian and Anti-American philippic in the House on the last day of May has met with as favorable a reception among Tory conservatives and monarchists of Europe as with all the Whig champions of Mexican tyranny on this side the water."<sup>11</sup>

<sup>10</sup>*Albany Argus*, July 4, Aug. 26, 1836.

<sup>11</sup>*Ibid.*, June 22, Oct. 22, 1836.

It is thus seen that the struggle between the Texans and the Mexican government was presented in an entirely different light depending upon whether the news was printed in a Democratic paper or was set forth in the columns of an 'opposition' journal. On the other hand, as will be seen below, the Texas question in all its phases was discussed in as intelligent and sane a fashion by the press of New York City as by that of any other city within the Union. While partisan editors strove to convince their readers of the justness or the wickedness of the Texans in taking up arms in defence of their constitutional rights, citizens were giving evidence of their interest in the welfare of the struggling colonists by holding meetings and raising money in furtherance of the cause of Texan independence. On Saturday evening, November 7, such a meeting was held at the Shakespeare Hotel. At this meeting, which was presided over by Colonel Knapp, it was resolved that a committee be appointed to receive donations. The meeting then adjourned to meet at Tammany Hall on November 12.<sup>12</sup> On this occasion, according to one account, over two thousand were present. An eloquent address was delivered by Samuel L. Knapp. Several hundred dollars were subscribed, and a series of six resolutions was adopted, expressing sympathy with the Texans and pledging them help. An address was issued by the New York executive committee to the citizens of the community; a call for aid was made for the colonists, who had reduced Texas to civilization; "they are neither speculators nor intruders, but most of them are the hardy yeomanry of America, who were the pioneers of Kentucky, Tennessee, Mississippi, and Missouri; they are no insurgents, but as freemen are fighting to protect themselves, their wives, and children, from the rude assaults of mili-

<sup>12</sup>*Evening Post*, Nov. 10, 12, 1835. Burr Wakeman was treasurer of the committee of thirty-two to solicit funds. The composition of the committee was as follows: John Haggerty, Willis Hall, Daniel Jackson, John L. Graham, George D. Strong, Samuel L. Knapp, P. M. Wetmore, Silas M. Stilwell, Dudley Seldon, Henry Wyckoff, Augustus McDonald, Burr Wakeman, A. Palmer, A. Bates, Richard B. Mason, B. W. Osborn, R. C. Hance, Alexander Ming, Jr., James J. Mapes, Charles G. Ferris, William Gordon, Walter Bonne, James L. Curtis, M. L. Smith, Reuben Withen, Anthony Dey, William van Wyck, Robert Smith, Henry Ogden, A. H. van Wyck, Samuel Lawyer, John Harris. Contribution in the way of provisions, clothing, and other stores were to be left at McDonald and Arnold's, 62 Front St. *Courier and Enquirer*, Nov. 16, 1835. Another New York firm interested in organizing support in behalf of the Texans was that of Caldwell, Bogart and Company. *Ibid.*, Oct. 31, 1835.

tary violence." Having in this direct fashion stated the actual facts of the Texas situation, and appointed a committee in behalf of Texas, the meeting adjourned.<sup>13</sup> The *Evening Post* of November 14 stated that a Mr. Mossie would give the proceeds of a performance on Saturday evening for the benefit of the suffering fellow countrymen of Texas. An ode written for the occasion would be recited by a gentleman of the city. A few weeks later a benefit was given by professional talent at the American theatre for the relief of the Texans.<sup>14</sup> Later another benefit was held at the same place for a similar purpose. On this occasion was performed the "Tragedy of Venice Preserved." The entertainment also included comic songs, fancy dancing, and concluded with an opera dignified by the name of "Bone Squash."<sup>15</sup>

These months also witnessed the departure of the first volunteers from New York to Texas. On November 19, according to one account, a vessel departed for Texas with some two hundred volunteers.<sup>16</sup> In the *Courier and Enquirer* for November 30 appeared the following notice: "For Texas—On Wednesday next, the 2d of December, there will be a good vessel despatched for the above port, which will take a select number of gentlemen as passengers; say as many as can go comfortable. The passage will be \$15. McDonald & Arnold, 62 Front St." The enthusiasm of New Yorkers for Texas was abated considerably by a disastrous fire which broke out in the first ward of the city on the night of December 16. The whole area between Wall and South Street in the neighborhood of Hanover Square was wiped out. Upwards of seven hundred buildings were destroyed, entailing a loss of over fifteen million dollars.<sup>17</sup>

One of the interesting episodes of the time is the account of the brig, *Matawamkeag*, hailing from Bangor. This vessel was

<sup>13</sup>*Evening Post*, Nov. 14, 1835; *Albany Argus*, Nov. 18, 1835. The chairman of this meeting was Daniel Jackson and the secretary, William van Wyck. The address was signed by these two and Burr Wakeman. The committee appointed was to meet two days later at the Shakespeare Hotel.

<sup>14</sup>*Evening Post*, Dec. 17, 1835. The price of boxes was \$1.00, the pit fifty cents.

<sup>15</sup>*Evening Post*, Nov. 19, 1835. The previous year three schooners full of emigrants had left New York within four weeks, and two more were said to be preparing. See Smith, *The Annexation of Texas*, 30.

<sup>16</sup>*Evening Post*, Jan. 7, 1836.

<sup>17</sup>*Ibid.*, Dec. 20, 1835.

chartered by the Texas executive committee mentioned above and sailed from North river for Texas on Saturday evening, November 21. There were said to be some two hundred emigrants on board, including between forty and fifty natives of Poland. Among those shipping were Colonel E. H. Stanley, who commanded one hundred and eighty men and officers. When nine days out the brig made the eastern end of Eleuthera, one of the islands of the Bahamas group. Here seventeen men under Colonel Stanley went ashore with arms, contrary to the wishes of the captain, and plundered a plantation. The matter being reported at Nassau, search was instituted by the English brig, *Serpent*, carrying fourteen guns, with the result that the *Matawamkeag* was captured on Sunday, December 6, off a point designated as Hole in the Wall. The Poles and French being placed in a boat by themselves, the rest of the Texas volunteers were placed under the surveillance of the second West Indian regiment, made up of negroes. On January 15, the grand jury for the Admiralty Session returned "no bill" on the charge of piracy. The volunteers were accordingly discharged, with the exception of Colonel Stanley and ten others, who were detained to await trial on a charge of felony. The *Texas Republican* of March 16 reported the arrival of Colonel Stanley and a company of volunteers, seventy-four in number, the week previous at the Brazos, whence they set sail for Copano.<sup>18</sup>

The ill-fated Tampico expedition included among its victims several New Yorkers. One of these was Jacob Morrison, aged twenty-one, whose parents are said to have resided in Kentucky; another was Edward Mount, twenty-three years of age, whose mother was living in New York; lastly occurs the name of W. C. Barkley, aged twenty. This letter from him has been preserved.<sup>19</sup>

Tampico Prison,  
Dec. 13th, 1835.

Dear Father and Mother:—

When you receive this I shall be in my grave. I shipped from New Orleans for Brazos, Texas, without the knowledge of our

<sup>18</sup>According to one account the *Matawamkeag* carried eight guns and 250 men. *Albany Argus*, Nov. 23, 1835. See *Evening Post*, Dec. 20, 1835; *Courier and Enquirer*, Dec. 30, 1835, Jan. 1, 1836; *Poulson's Advertiser*, Feb. 6, 1836; *United States Gazette*, April 22, 1836; *Philadelphia National Gazette*, April 22, 1836.

<sup>19</sup>*Evening Post*, Jan. 11, 1836.

friends, and was forced to put into Tampico, and there made prisoner, and am to be shot, together with 29 others, to-morrow morning at 8 o'clock.

Give my love to my brothers and sisters. I hope you will not mourn my death, as I shall die perfectly happy.

Your affectionate son,

Wm. C. Barkley.

The volunteers who fell as victims to Mexican hate were like dragon's teeth sowed by the ancient hero. For every one that perished, a hundred of their fellow-countrymen stood ready to avenge their deaths. One account says: "In a short time there will be a force sufficient in Texas to carry the war, if necessary, even to the walls of Mexico."<sup>20</sup> This was a bit optimistic in view of the lamentable quarrels which in a short time were to distract the government and to paralyze effective effort against the enemy.

The news of the fate of the different commands of Texan troops in the spring of 1836 created the deepest indignation in every part of the United States. The massacre of Fannin and his men was a most impolitic as well as a brutal affair. Whig as well as Democratic editors united in denouncing the perpetrators of the deed. In speaking of the fate of Colonel Johnson's command, the *Courier and Enquirer* said: "Their fate cannot but excite our sympathies and create a feeling of holy indignation against the unprincipled tyrant who authorized the butchery."<sup>21</sup> The *Post* felt the result of the Texan barbarities would be to awaken a general sympathy for Texas and a strong interest in its fortunes, thereby impelling many adventurous and ardent spirits to throng to the aid of their brethren.<sup>22</sup> According to the *Albany Argus* "a few of the Whig presses have come to the aid of Santa Anna and attempt to palliate the enormities of the Mexican tyrant. Aside from exaggeration by land agents, he has been guilty of cold-blooded massacre and violations of the feelings of humanity and rules of honorable warfare without a parallel in

<sup>20</sup>*Albany Argus*, Jan. 25, 1836. A writer in the *Courier and Enquirer* was even more optimistic: "War will now be carried into the enemy's country, where gold and silver are plenty [plentiful], there will be fine pickings in the interior. The war will never end until Mexico is completely our own and conquered."

<sup>21</sup>Quoted by the *Albany Argus*, April 16, 1836.

<sup>22</sup>*Evening Post*, April 26, 1836.

the history of modern crime."<sup>22</sup> One result of the publication of the Mexican atrocities was renewed interest and activity in the affairs of Texas.<sup>24</sup> On April 21 Alderman Stilwell introduced the following resolution into the common council of New York: "That the Commonwealth of Texas is a free, sovereign, and independent state, and in her intercourse with nations should be considered as such."<sup>25</sup> This resolution may have been due to the activity of the Texas Commissioners who were in New York this month.<sup>26</sup> On May 23 memorials were presented in the Senate from citizens of New York asking Congress to recognize the independence of Texas.<sup>27</sup> On April 26 a meeting was held at Masonic Hall, which was filled with Texan sympathizers. The meeting was presided over by Samuel Swartwout, 'an ardent friend of Texas.' Addresses were delivered by Austin, Archer, and Wharton; also by William Hall, Colonel J. C. Webb, and William Campbell of Charlestown, Mass. Resolutions were adopted favoring the recognition of the independence of Texas, and declaring that the great law of humanity justified aid to the Texans; committees were appointed to make collections and to carry the object of the meeting into effect.<sup>28</sup> The *Journal of Commerce* made the following appeal in behalf of the meeting: "Are we to look calmly on and see such deeds of blood and carnage acted on our borders, without expressing our indignation and horror at their

<sup>22</sup>*Albany Argus*, Jan. 1, 1836. See *Ibid.*, May 4, June 8, 1836.

<sup>24</sup>*United States Gazette*, April 21, 1836. '.

<sup>25</sup>Col. J. M. Wolfe was in New York the first week in April; Austin 'was in the city the middle of the month, when he made a desperate attempt to secure the active support of the United States as a nation.' Rather, *THE QUARTERLY*, XIII, 185.

<sup>26</sup>*Cong. Globe*, 1st Sess., 24 Cong., III, 396. It was said the memorial contained about 1000 signatures. *Albany Argus*, May 25, 1836.

<sup>27</sup>A recent authority finds that the "stupid atrocities of the Mexicans" were "the essential causes of the assistance given Texas by the Americans." Smith, *The Annexation of Texas*, 31, 32.

<sup>28</sup>*Evening Post*, April 27, 1836. The vice-presidents of the meeting were Daniel Jackson, James Monroe, Alexander Hamilton, Chas. A. Clinton, Silas M. Stillwell, and James Watson Webb, editor of the *Courier and Enquirer*. The secretaries were Willis Hall, James L. Curtis, Asa P. Ufford, and William van Wyck. The call for the meeting was signed by Samuel Swartwout, Silas M. Stilwell, Burr Wakeman, James Monroe, Edward Curtis, John N. Greenfield, Geo. A. Ward, Daniel Jackson, James L. Curtis, Peter R. Wyckoff, Thos. E. Davis, Thomas Jenkins, Wm. C. Wales, Jno. H. Sibell, Alexander Hamilton, Henry Ogden, J. Prescott Hall, John Windt, George Curtis, Dudley Selden, N. M. Nash, Willis Hall, John Cleveland, Robert N. Foster, John Ward.

perpetration? God forbid. Then let us rally at Masonic Hall, and show that we can feel and express sympathy for our brethren of Texas, whose case at this moment is deplorable in the extreme."<sup>29</sup> On Thursday, April 28, books for a Texan loan were opened and, through the instrumentality of the commissioners, a loan of \$100,000 was negotiated in a single day, the subscribers being permitted to take Texas lands at twenty-five cents an acre.<sup>30</sup> Both Austin and Wharton were in New York in May, and the latter was there again in June.<sup>31</sup> The only other meeting of Texas sympathizers in New York of which evidence has been found was one on July 18 at the American Hotel. On this occasion the cause of Texas was urged in an eloquent and persuasive manner by the friends of the new republic. Samuel Swartwout presided, and toasts were responded to by Colonel Preston of South Carolina, General Hamilton of the same state, General Ripley of Louisiana, and Mr. Peyton, of Tennessee.<sup>32</sup>

The news of the fall of Alamo was published in New York some five weeks after that disaster. At least two natives of New York perished on this occasion: a man by the name of Forsyth, who bore the rank of captain; and a blacksmith by the name of Dewell.<sup>33</sup> Among those of Captain Duval's command who escaped at the time of Fannin's massacre is mentioned John Holliday, of New York.<sup>34</sup> In a list of prisoners, taken at Nueces and confined at Matamoras, occur the names of S. S. Curtis, age twenty-three, of Madison County, New York, and that of James Wilson, of the same age, who resided at the corner of Spring and Sullivan Streets in New York City.<sup>35</sup> The following residents of New York were enrolled in the service of Texas: H. S. Smith, second sergeant, John Beldin, Stuart Hill, John Williams, George Mills, Stephen Winship, William Howell, Rufus R. Jetty, Elisha Spencer, Charles H. Rue, Caleb A. Carpenter, Lewis Marble, L. J.

<sup>29</sup>Quoted by the *Albany Argus*, April 28, 1836.

<sup>30</sup>See Rather, *THE QUARTERLY*, XIII, 186-187. Only ten per cent of these subscriptions seems, however, to have been paid. See Barker, "The Finances of the Texas Revolution," in *Political Science Quarterly*, XIX, 634.

<sup>31</sup>*Courier and Enquirer*, June 9, 1836.

<sup>32</sup>*Ibid.*, July 20, 1836; *Albany Argus*, July 20, 1836.

<sup>33</sup>*Muster Rolls*, General Land Office (MS.), 238; Newell, *History of the Revolution in Texas*, Appendix, 211.

<sup>34</sup>*Kentucky Gazette*, July 7, 1836.

<sup>35</sup>*United States Gazette*, May 20, 1836.

Parker. Abner Holmes and William C. Hart were enrolled at New Orleans in Captain Lawrence's company for a period during the war; A. V. Faro was enrolled for a similar period in the same company at Louisville, while Daniel McDonald was enrolled at the same place in Captain Allen's company. Samuel M—— was enrolled at Cincinnati in the same company.<sup>36</sup> In the battle of San Jacinto was John M. Wade, of the artillery corps and S. L. Wheeler of Company B, Texas Volunteers. John E. Lewis and Theodore S. Lee are also said to have been in the army on this occasion. In addition the following New Yorkers rendered the Texan republic military service: John Adriance, of Captain Eberly's company; John Bryan, S. M. Harris, Gwyn Morrison, R. W. McManus, and T. W. Marshall, who was pilot on the steamer *Laura*.<sup>37</sup> Other natives of New York who became prominent in one capacity or another in Texas were Captain Oliver Jones, one of Austin's colonists, who figured actively in the affairs of the revolutionary period, Gail Borden, member of the Consultation, John P. Borden, first Commissioner of the General Land Office, Thomas H. Borden and Francis A. Moore, editors, Louis P. Cook, second secretary of the navy, Erastus Smith, Thomas J. Pilgrim, and others.<sup>38</sup>

The correspondent of the *Courier and Enquirer*, writing at the close of the year, questions if any more volunteers are needed. Texas needed farmers, mechanics, laborers, and "a cargo or two of industrious girls," who were said to be very scarce.<sup>39</sup> From the same source came information as to the value of Texas lands: "Texas lands sell very high here; 40 cents the minimum, one dollar the maximum, for good titles. M. sold yesterday five leagues on the Navasota at 45 cents, half cash, half six months. Small lots, in fee simple, already located, sell from one to five dollars per acre."<sup>40</sup> In the newly proposed town of Houston the appli-

<sup>36</sup>*Mustier Rolls* (MS.), 238-239.

<sup>37</sup>See Baker, *Texas Scrap Book*, 585. The list of names given is necessarily an incomplete one. There were no doubt others from New York who saw service in Texas. The *New Orleans Bulletin* of May 23 mentions two New York schooners with about five hundred volunteers, but no confirmation of the statement has been observed.

<sup>38</sup>THE QUARTERLY, V, 33; X, 172.

<sup>39</sup>*Courier and Enquirer*, Dec. 1, 1836. The issues of Nov. 16, 1836, and of Jan. 21, 1837, publish what might be expected by volunteers in the way of pay and land.

<sup>40</sup>*Ibid.*, Dec. 17, 1836. Texas government land scrip was being offered

cations for lots were so numerous that one agent had refused \$80.00 for each lot. Of these there were said to be six thousand, which originally had been purchased for a mere song.<sup>41</sup>

The visit of Gorostiza to New York about the first of March led the *Courier and Enquirer* to conjecture that negotiations had been set on foot between Mexico and the United States touching a proper boundary line between the two countries. Instead of adopting an imaginary boundary line in the vicinity of the Nueces, the Mexican minister had been instructed to say, "Give us a fair price in money for that portion of Texas between the line of your claim and the desert south of the Rio Grande, and we are prepared to establish the boundary line where nature has so clearly fixed it."<sup>42</sup>

The news of the defeat of Santa Anna by Houston and his men was received with a good deal of scepticism by the New York editors; nor is this surprising, in view of the fact that the 'glorious news' came right upon the heels of despondent tidings from the scene of war, just at a time when the expectation was general that the next report would be that of the extinction of the Texan Republic.<sup>43</sup> The *Albany Argus* declared the execution of Santa Anna would be a just retribution for the tyrant's misdeeds.<sup>44</sup> On the other hand, one of the New York papers protested against any rejoicing over the "foul butcheries of San Jacinto," an imputation which was resented by the *Philadelphia National Gazette*, one of the journals in the East uniformly hostile to Texas.<sup>45</sup> The *New York American* of June 9 expressed itself as follows: "We scarcely remember any other parallel to this shooting and sabring fugitives than General Jackson and his militia shooting the wretched Seminoles after the battle of the Horse-Shoe." Such a charge as this aroused the just indignation of the editor of the *Argus*, who replied in an editorial of over two columns in length defending the victors of San Jacinto, who, under the exasperation

for sale in New York City at this time by subscribers "on favorable terms."

<sup>41</sup>*Courier and Enquirer*, Jan. 17, 1837.

<sup>42</sup>*Ibid.*, March 2, 1836. With this may be compared the rumor that Gorostiza had been authorized to sell Texas to the United States. See Rather, *THE QUARTERLY*, XIII, 198.

<sup>43</sup>*Evening Post*, May 23, 1836.

<sup>44</sup>May 19, 1836.

<sup>45</sup>June 21, 1836.

of the moment and the excitement of the contest, cut down the soldiery of Santa Anna. The foul outrage of Fannin's massacre "was condemned, if condemned at all, in the cold and measured language of one who, we have charity to believe, would have sought its palliation, if he had dared to trespass thus far upon the prevalent sentiment of indignation which pervaded every bosom (save the *American* and such like it) in every part of the republic."<sup>46</sup> Throughout the summer and winter months following the battle of San Jacinto came contradictory reports as to the probability of the Mexicans prosecuting hostile operations, the unlikelihood of the Texans achieving their independence, followed by the news in the spring of the new year that the Texans were calmly preparing to renew the struggle.<sup>47</sup> The ability of the Texans to withstand any efforts on the part of Mexico to subdue the rebellious province had a direct bearing upon the question of the recognition of the new republic by the United States government.

The belief that the Mexican government had sanctioned the massacre of Fannin and his men was to the *Courier and Enquirer* abundant provocation for the acknowledgment of the independence of Texas by our government.<sup>48</sup> Six months later in commenting upon an article in the *Evening Post* which contended that it was premature to assert that the independence of Texas was fully achieved, considering the populations of this country and Mexico, the *Courier and Enquirer* asserted it was always the policy of the government of the United States to acknowledge every *de facto* government without enquiring into titles. The reception of Wharton was warranted by the whole preceding course of our government. There was reason to apprehend that Texas might throw herself into the arms of England. Mexico was entitled to no claim to either forbearance or delicacy on the part of our government or our citizens. The intention, however, of Texas to solicit admission into the Union placed our government in a situation of peculiar delicacy. Finally, the editor concluded, let the friends of Texas depend mainly on their courage and energy, go slowly, use no threats, and shun the overtures of England.<sup>49</sup> The

<sup>46</sup>*Albany Argus*, June 14, 1836. *Ibid.*, July 20, 1836.

<sup>47</sup>*Evening Post*, July 5, 18, 21, 1836; *Courier and Enquirer*, Dec. 2, 15, 19, 21, 1836, Feb. 7, 1837.

<sup>48</sup>*Ibid.*, June 6, 1836.

<sup>49</sup>Dec. 13, 1836.

same paper two weeks later contained an editorial dealing with the President's message of December 21,—declaring substantially that the first movement looking to the recognition of the independence of Texas should come from Congress. The President was justified in recommending a somewhat cautious policy; for England might interfere if there was prospect of immediate incorporation with the United States. It was practically certain that Texas could and would maintain her independence and system of government. The obstacles to a renewed invasion of Texas were practically insuperable. "Such a people may be exterminated, they can never be subdued." The naval force of the United States in the Gulf of Mexico should be augmented as a matter of prudence and policy."<sup>50</sup>

It is surprising to find such a staunch supporter of the Texan cause as the *Albany Argus* maintaining that circumstances did not yet warrant recognition by our government of the independence of Texas; the explanation no doubt is to be found in the fact that the message of the twenty-first counselled caution and delay, and the *Argus* was too strict a party organ to countenance any other course. Governor McDuffie's message to the South Carolina legislature was printed by the *Argus* with the following comment: "South Carolina is the last state in the Union that would knowingly violate this sacred canon of political morality."<sup>51</sup>

The *Evening Post* thought the struggle in Texas was likely to continue, hence the *Post* was opposed to Congress acknowledging the independence of that country until it was certain independence had been established; then it would be our business honestly to acknowledge it. The Texans ought not to have lived under the arbitrary government of Mexico in the first place. On the other hand enmity to slavery should be no reason for refusing such acknowledgment. Moreover the acknowledgment of the independence of Texas by Congress was a gross usurpation of the functions of the Executive, who should take the initiative. The first thing to do was to secure satisfactory information as to the ability of the new government to sustain itself. When Texas had given proof of such ability, then the question of recognition might be

<sup>50</sup>Dec. 27, 1836. Cf. *Ibid.*, Dec. 3, 1836. For an account of the President's attitude in the matter of neutrality, see Barker, "The United States and Mexico, 1835-1837," *Mississippi Valley Historical Review*, I, 1-30.

<sup>51</sup>Dec. 28, 1836.

considered by the President. If Texas were not satisfied with this, let her apply to England. In a succeeding issue the *Post* was opposed to Texas being recognized until her acknowledgment by Mexico.<sup>33</sup>

It is interesting to note that while the 'leading prints' of the North and East felt that the government of the United States should go slowly in the matter of the recognition of Texas, these same journals were disposed to sanction the measures taken on the southwestern frontier for the preservation of peace in that quarter.

The *Evening Post* defended the instructions given to General Gaines by the Secretary of War; these instructions were as guarded as they could well be, and left no more to the discretion of the commander than was necessary for the successful conduct of military operations. The frontier being in danger and the Indian tribes along the border in a state of great excitement, our government was justified in a friendly occupation of the disputed territory between the two branches of the Sabine. The administration had been guilty of measures which might not be construed as a desire to preserve neutrality. In other words the *Post* was inclined to agree with Mason, of Virginia, that the position of the United States troops in the disputed territory was both a provisional and a precautionary measure. "Do opponents of such occupation of the territory in question," asked the *Post*, "wish to see the fires of savage warfare blaze along our whole line of western settlements?" The newspapers greatly exaggerated the danger from the Indians, but this is hardly a matter of surprise. The same paper defended General Gaines for "receiving advice" from General Rusk, and was disposed to uphold his movement to Nacogdoches, if, in his opinion, such a movement was necessary to restrain the Indian incursions.<sup>34</sup> In the opinion of the *Courier and Enquirer* the advance of the United States troops to Nacogdoches was a duty to the inhabitants of that region who, it might appear, were American citizens, and whom the government claiming jurisdiction over them with us could no longer protect in their persons and property.<sup>34</sup> The same paper, though belonging

<sup>33</sup>June 18, July 1, Dec. 13, 26, 29, 1836.

<sup>34</sup>May 4, 11, 12, 13, July 29, Aug. 2, 1836.

<sup>34</sup>Oct. 24, 1836. A similar view was expressed in the issue of August 10, 1836; in the issues of August 2, 20, 23, 1836, however, the editor

to the 'opposition' party, endorsed the President's letter to Governor Cannon, and commended General Jackson's cautious and judicious course in regard to the Texas question, though it was known he felt a strong sympathy for that country.<sup>55</sup> The *New York Express* admitted there were some good reasons for the course General Gaines had taken in view of the rumors concerning Mexican negotiations with the Indians.<sup>56</sup> The *Journal of Commerce* was of the opinion that the movement of General Gaines was not altogether premature, if the news of a Mexico-Indian alliance was correct.<sup>57</sup> The leading Whig organ, the *National Intelligencer*, in an editorial entitled "War in Disguise" deprecated the attitude of the United States towards Mexico, inasmuch as we had entered into a solemn treaty with that country. "The Rubicon is passed, a war has been entered upon without the shadow of justification, or so much as a provocation from the Mexican people" is the comment of the *Intelligencer* upon the advance of General Gaines.<sup>58</sup> In the opinion of the *Globe*, the administration organ, the editor of the *Intelligencer* was seeking to stigmatize the character of our country in the eyes of foreign nations. The Democratic journal undertook an elaborate defense of General Gaines' call for militia. It was evident to the *Albany Argus* that the alarmists of the opposition in the promptness with which they condemned General Gaines only gave evidence of their "ill concealed Mexican partialities."<sup>59</sup>

It has been the fashion for certain writers to criticize severely President Jackson for failure to enforce the neutrality laws of the United States during the Texas revolution. More and more it is coming to be recognized that the administration pursued a "cautious and judicious course" in this regard. The *Evening Post* thought if the Act of Congress of 1818 were not enforced, the President could not remonstrate with the treatment of Ameri-

argues against the premature occupation of the disputed region. According to the editor of the *Courier and Enquirer* Gorostiza's withdrawal was occasioned by the apprehension that remittances from his country would fail him.

<sup>55</sup>Aug. 26, 1836.

<sup>56</sup>Cited in the *Albany Argus*, Aug. 12, 1836.

<sup>57</sup>*Ibid.*

<sup>58</sup>*Ibid.*, Aug. 13, 1836.

<sup>59</sup>Aug. 3, 12, 1836.

cans in Mexico.<sup>60</sup> The *Courier and Enquirer* held that it was the duty of the federal government to prohibit citizens taking part in the disturbances in Texas, especially since the motives of volunteers might not be disinterested.<sup>61</sup> A distinct service was rendered the Texan cause by the opinion of Judges Betts and Thompson of the southern district of New York. It was held that section 6 of the Act of April 20, 1818, applied only to military expeditions set on foot in the United States; hence donations of any kind, the shipment of arms, and even the enlisting of individuals was no infringement of the act. The following spring the *Post* contained an editorial dealing with the question of neutrality which was characterized by fairness and good sense. "The officers of the government have been enjoined to take all legal measures for preserving the neutral character of the nation in this contest, and we all know too well the character of our veteran and honest chief magistrate to fancy for a moment that he would encourage or allow any one to do that clandestinely which he would shrink from openly." As to the declaration of independence of Texas, "we enquire only what is the existing government and recognize that." The *Intelligencer* was rebuked for charging that officers of the government were conniving at and perpetrating an implied breach of the treaty by attempting to steal Texas. In conclusion, "it was the plain duty of the government not to deviate from the settled policy of the nation by meddling with the domestic quarrels of our neighbors. That duty has been and will continue to be scrupulously performed."<sup>62</sup> The *Albany Argus* was convinced every precaution had been taken by our government to preserve and protect our neutral relations.<sup>63</sup>

It only remains to notice the attitude of the New York papers touching the question of the annexation of Texas to the United States so far as this matter is referred to during the revolutionary period. In an editorial of January 17, 1836, the *Post* protested against prematurely raising the question of the admission of Texas. To interfere with such a purpose in view would be a shameful departure from our hitherto proclaimed principles, hav-

<sup>60</sup>Nov. 13, 1835.

<sup>61</sup>Oct. 28, 1835.

<sup>62</sup>May 2, 1836.

<sup>63</sup>May 18, 1836. Upon this topic see Smith, *The Annexation of Texas*, 22-28.

ing bound ourselves by a treaty to leave inviolate the domain of Texas. At all events the United States should refrain from taking any action until the independence of Texas was established. Six months later editorials similar in tone followed. The point of view of the *Post* was colored by the belief on its part that a set of speculators were polluting a cause otherwise noble. This attitude the *Post* maintained throughout the year. In December it expressed itself as opposed under any circumstances to the admission of Texas. It seemed to the editor that the owners of Texas lands were those most eager for the "admission of Texas into the republick."<sup>64</sup> The *Courier and Enquirer*, on the other hand, in replying to the articles of its contemporary, argued that Texas was a state possessing an independent government,—of this fact proof had been given. Not a hostile foot was upon her soil, the only indications of an invasion were threats and bravadoes. In an able and impartial manner the editor then proceeded to discuss the various questions connected with the admission of Texas into the Union. Setting aside the Abolitionists there would be no opposition, it was asserted, to the admission of Texas. In the great conflict of sectional interests, New England feared it would be in the minority. The Middle States were little concerned with the struggles of sectional feeling. The West would view without jealousy the acquisition of Texas. The old Southern States would thereby gain more than they would lose.<sup>65</sup>

It is thus seen that the citizens of New York responded generously to the appeals made to them by the Texan commissioners. Contributions were raised for the purpose of sending volunteers to Texas, the citizens of New York City petitioned Congress to recognize the independence of the new republic, while among the press of the northern states were some of the warmest defenders of the Texan cause.

<sup>64</sup>June 17, 18, July 1, Dec. 13, 29, 1836.

<sup>65</sup>Dec. 29, 1836. See also *Ibid.*, Dec. 31, 1836.

## THE CONSTITUTION OF TEXAS, 1845

FREDERIC L. PAXSON

On July 4, 1845, a group of gentlemen assembled at Austin, raised the American flag over their Convention Hall, and began to frame a Constitution under which the Republic of Texas should become a state in the American Union. From time to time, in the ensuing days, their number was increased by other delegates who took their seats, and by applicants in contest for seats who presented themselves and had their hearing, until in the end there were sixty-two members to join in the completion of the Constitution. One seat they allowed to remain vacant, in recognition of loyalty and past service. General Sam Houston,<sup>1</sup> a delegate-elect from Montgomery County, had gone on a visit of piety and politics to the Hermitage, where Andrew Jackson departed this life on June 8, 1845.<sup>2</sup> Out of respect for the statesman whom most of Texas acclaimed as leader, the Convention upheld Houston in his pilgrimage, refused to declare his seat vacant even at the petition of his county, and voted to wear crepe for one month in memory of Andrew Jackson. "Texas will come into the Union almost unanimously Democratic," the *Arkansas Banner*, published at Little Rock, had rejoiced earlier in the spring. "It, in not many years hence, will constitute four or five States—all of which will most certainly be Democratic. . . . It is certain therefore that Whiggery is doomed . . . while the star of democracy has ascended the political horizon never to go down again, but to brighten with the waste of years."<sup>4</sup> The Democratic framers completed their organization by the election of General Thomas J. Rusk, of Nacogdoches, as President of the Convention, appointed seven committees, and went at once to work.

<sup>1</sup>*Debates of the Texas Convention*, 721, Wm. F. Weeks, Reporter. In addition to the *Debates*, published in Austin in 1845 (and hereafter cited as *Debates*), there is also *Journals of the Convention that assembled in the City of Austin on the fourth of July, 1845, for the Purpose of Framing a Constitution for the State of Texas* (Austin, 1845). C. J. Babbitt mentions both the *Debates* and the *Journal* in his admirable *Hand-List of Legislative Sessions . . . Statutory Revisions . . . and Constitutional Conventions . . .* (State Library of Mass., 1912).

<sup>2</sup>*New York Weekly Herald*, October 19, 1845, p. 228.

<sup>4</sup>*Little Rock Arkansas Banner*, April 2, 1845.

Only José Antonio Navarro, of Bexar, was Texas-born among the delegates.<sup>5</sup> Most of the others came from the western regions which in 1800 had been new frontiers. Tennessee contributed eighteen, more than twice the number from any other State. Virginia, with eight, Georgia, with seven, Kentucky, with six, and North Carolina, with five, came next; leaving the remaining members scattered through the Union and Great Britain. They were mostly in the prime of life, and had grown to manhood in the restless period following the second war with England. Few had resided long in Texas, and few had gained distinction elsewhere. Abner Smith Lipscomb had been chief justice in Alabama for eleven years; Hardin G. Runnels had served as governor of Mississippi. A correspondent from Austin, perhaps himself a member, wrote of them at the start: "The delegates to the Convention, for intelligence, integrity and worth, would rank high in any country. There is not, perhaps, much of brilliancy, but a great deal of matter-of-fact sense and sound knowledge; and I predict that we shall form and send you a sound and sensible Constitution, free from the worst features of ultraism."<sup>6</sup>

The President of the Convention, like its members, was a Democrat, and is said to have been in early life a protege of Calhoun.<sup>7</sup> Born in Georgia about 1803, he had practised law, moved to Texas, and become both military hero and judge before his election to the Convention. The Austin correspondent of the *Picayune* wrote of him as "highly popular, with no other objection than his excessive good-nature, which is somewhat injurious to the strict observance of order. . . . Gen. Rusk is a man of talents—not much cultivated; he is large, rather tending to fat, careless to a fault in his costume; he is kind in his manner, courteous to all. He exercises great influence over the Convention, and always for the better."<sup>8</sup> The debates in the Convention bear out this favorable judgment upon Rusk as a moderator and moulder of opinion.

"We have one grand object in view; and that is to enter the great American confederacy with becoming dignity and self re-

<sup>5</sup>Smith, Justin H., *The Annexation of Texas* (N. Y., 1911), 459.

<sup>6</sup>Charleston, S. C., *Courier*, July 26, 1845, quoting a New Orleans paper.

<sup>7</sup>James D. Lynch, *The Bench and Bar of Texas* (St. Louis, 1885), 65.

<sup>8</sup>Charleston, S. C., *Courier*, August 18, 1845, quoting New Orleans *Picayune*.

spect,"<sup>9</sup> declared Rusk in his preliminary remarks as President of the Convention. He and his colleagues, of whom twenty-five were lawyers, and four had already sat through the earlier Texas Convention of 1836, were all familiar with the workings of American state government and although delegates mentioned from time to time the provisions existing in constitutions elsewhere, they were ready to agree with Rusk that "We can reflect for ourselves and are capable of forming a Constitution for ourselves."<sup>10</sup> They drew most naturally upon their own Constitution of 1836, and had constantly to consider what Louisiana had recently completed in her new Constitution of 1844-1845. When the work was done the correspondent of the *Picayune*, through whom most of the contemporary news of the Convention reached the States, wrote that "its grand outline, as well as its details, is too much like the Constitutions of the old States to need elucidation."<sup>11</sup> And again, "In many respects it is almost a literal transcript of that of our own State, as recently completed by the Convention."<sup>12</sup> But towards the close of the Convention Rusk declared to his associates, "I sincerely wish that the future Constitution of Louisiana had remained up until our labors were over. We have received no benefit from it, and have come very near incorporating some articles which would have been ruinous to Texas."<sup>13</sup>

More than Rusk admitted, and less than the Louisianians claimed, came from the Louisiana predecessor.<sup>14</sup> The original Constitution of that state, framed in 1811-1812, vied with the Constitutions of Kentucky, 1799, and Virginia, 1829-1830, in their weight as precedents. But in all the western and southern states the similarity of institutions was so close, that parentage is rarely obvious. Like Hemphill, many of the delegates were "not in favor of introducing novelties in our Constitution, but wished to model it as nearly as possible upon that of the U. States."<sup>15</sup> It was to

<sup>9</sup>*Debates*, 7.

<sup>10</sup>*Debates*, 468.

<sup>11</sup>Quoted in Charleston, S. C., *Courier*, September 26, 1845.

<sup>12</sup>*Ibid.*, October 1, 1845.

<sup>13</sup>*Debates*, 468.

<sup>14</sup>Francis Newton Thorpe, *A Constitutional History of the American People, 1776-1850* (N. Y., 1898), I, 400-487, contains the best secondary account of this Louisiana Convention, and is based upon its *Debates* and *Journal* which the present author has not seen.

<sup>15</sup>*Debates*, 139.

be "as much as possible a law for the administrators of the government, and not a law for the people,"<sup>16</sup> said another when pressed to multiply specific provisions in the document. It resembled all its neighbors, blindly following none, and fulfilled the prediction of a writer from Galveston, in June, "that you yourself will be surprised, when you see their Constitution emanating from a people of whose disorder so much has been idly said."<sup>17</sup>

The constitutional skeleton which was to carry the Texas government might have originated in any state. Its *legislature*<sup>18</sup> consisted of a senate and a house of representatives, whose sessions were to be *biennial*. Representatives were to be chosen by the electors for a term of *two* years, and were to be *twenty-one* years of age, *citizens of the United States*, or of Texas at the time of adoption of the Constitution, with residence of *two* years in the state and *one* in the county. Senators, chosen likewise by the electors, were to have a *four* year term, and *half* of them were to retire *biennially*. They were to be thirty years of age, *citizens of the United States*, or of Texas at the time of the adoption of the Constitution, with a residence of *three* years in the state and one in the district. The electors who were to choose legislators, as well as other officers of the state, were described as *free male persons*, twenty-one years of age, *citizens of the United States*, or of Texas at the time of adoption of the Constitution, with a residence of *one* year in the state and six months in the town county or district, with a proviso that *persons in Texas at the time of adoption of the Constitution might vote upon six months residence*, and with the *exclusion of Indians not taxed, Africans and their descendants, and soldiers or seamen of the United States*.

The executive was headed by a *governor* chosen by the electors for a *two* year term, but not eligible to serve more than *four* in

<sup>16</sup>*Debates*, 66.

<sup>17</sup>Little Rock, *Arkansas Banner*, June 18, 1845.

<sup>18</sup>The words and phrases here given in italics are changes from the Texas Constitution of 1836. The remainder of the description applies to both constitutions. These analyses are taken from the texts as given in Francis Newton Thorpe, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the . . . United States . . .* (7 volumes, Washington, 1909). The official copy of the Constitution of 1845 was transmitted by Anson Jones to James K. Polk, and by the latter to Congress in December, 1845, and is printed in House Executive Document 16, 29th Congress, 1st Session, Serial 482, pp. 1-28.

any *six* consecutive years. He must be *thirty* years of age, a *citizen of the United States*, or of Texas at the adoption of the Constitution, with residence of three years in the state. A *lieutenant-governor*, chosen in the same way, and under the same conditions as the governor, was to succeed in event of the death of the governor, and was meanwhile to preside over the senate, with a right to *vote and debate upon all matters, and to cast an additional vote* in case of a tie. The other executive officers were a secretary of state, to be appointed by the governor, with the consent of *two-thirds* of the senate, to hold office during the term of the governor; an attorney-general to be appointed in the same fashion for a two year term; a *state treasurer* and a *comptroller of public accounts* to be elected for two years term by the legislature on joint ballot.

The judiciary began with a supreme court consisting of a chief justice and *two* associate judges, to be *appointed by the governor, with the consent of two-thirds of the senate*, for terms of *six* years, to hold annual sessions, and to exercise only appellate jurisdiction *except in the case of the issuance of remedial writs*. There were also to be district courts, *inferior courts* to be created at the discretion of the legislature, and *corporation (municipal) courts*.

A comparison of this framework with the Texas Constitution of 1836 makes it clear that the Convention of 1845 adopted few new institutions from Louisiana, or in direct imitation of the federal Constitution, but followed many precedents already familiar to Texas. A few changes were the necessary consequence of the change from independence to statehood; thus the congress became a legislature, and citizenship was re-defined so as to recognize the rights of citizens of other states. Annual sessions became biennial, as did elections, and the three-year term of the former senators was lengthened to four in order to become commensurate. The other changes were matters of detail in which deliberate copying cannot be proved except through inference.

The change in residence requirements for senators, representatives, electors, and governor was in the direction of greater rigor, as was to be expected in the adoption of a final instrument of government. The Constitution of 1836 was a revolutionary document. "That convention," said Isaac Van Zandt, a lawyer from Tennessee, who had come to Texas in 1838,<sup>19</sup> "embraced a good

<sup>19</sup>*Journal*, 378.

share of wisdom and talent, but the result of their action, under the circumstances surrounding them at the time, is entitled to no great degree of consideration here."<sup>20</sup> Residence was of less consequence than loyalty in 1836, but in 1845 it was natural to lengthen the terms of residence for elective officers. The Louisiana precedent of 1844-1845 did not guide the Texas Convention, since it required for representatives three years of residence in the state, for senators four years, for electors two years, and for the governor fifteen years, of which, in the first three cases, one year must be spent within the parish. Texas, instead, was content to raise the term for representatives from six months to two years (with one year in the county). In this course she was identical with New Jersey, 1844, and Mississippi, 1832, but there is no evidence that she consciously followed either. She was somewhat more strict than Michigan, 1835, or Arkansas, 1836, in this, as she was in the requirements for senator. In reducing the age of representatives from twenty-five to twenty-one years, she was correcting an abnormality among constitutional provisions and conforming to type.

The secretary of state was taken over into the new Constitution with no great change, but an attempt to alter the method of choice produced a debate in Convention that gave evidence of "ultraism," present, but in check. "There is a party here, as elsewhere," wrote the *Picayune's* Austin correspondent, "that seem disposed to keep in the advance of the age, which is already sufficiently tending to ultraism."<sup>21</sup> As reported to the Convention by the Committee on the Executive, on July 11,<sup>22</sup> the secretary was to be elected by the people for a four-year term. This was changed by amendment to appointment by the governor, for the term of the governor, after a sharp debate on democracy, in which Love, of Galveston, admitted the fact, with some irony, "that we are all lovers of the people."<sup>23</sup> He went on with the arguments that convinced the Convention,—that the governor needed a confidential assistant, that he needed much help in his state papers, in case he should not be a scholar, that the secretary of state ought not to be elected as a spy upon his chief. In the cases of the state treasurer and

<sup>20</sup>*Debates*, 90.

<sup>21</sup>Quoted in Charleston, S. C., *Courier*, August 18, 1845.

<sup>22</sup>*Debates*, 24.

<sup>23</sup>*Ibid.*, 121.

comptroller of public accounts, the Convention again amended the Committee's report, making these officials elective by the legislature instead of by the people.

During the debate upon the skeleton the Convention discussed at length matters of general import, among which the chief topics were the word "white" as used in describing the electorate, the exclusion of the clergy from the legislature, the basis of representative districts, the creation of chancery courts with jurisdiction coextensive with that of the supreme court, and the appointment of judges. The debate on the word "white" arose when the Committee on the Legislative reported that electors should include "free white males"<sup>24</sup> as had been the case under the Constitution of 1836. Objection was made to this because of the doubt prevailing among some of the Texans as to the color of the Mexicans. President Rusk supported the motion to strike out "white" and to find a different means of excluding negroes and Indians not taxed from the electorate, because "It may be contended that we intend to exclude the race which we found in possession of the country when we came here. This would be injurious to those people, to ourselves, and to the magnanimous character which the Americans have ever possessed."<sup>25</sup> And Navarro, speaking through his interpreter, added, "that if the word *whits* means anything at all it means a great deal, and if it does not mean anything at all it is entirely superfluous, as well as odious, and, if you please, ridiculous. . . . [It] is odious, captious, and redundant."<sup>26</sup> The word was stricken out, and the form of description of electors was made more general.

An article excluding the clergy from seats in the legislature had been adopted by Louisiana in her Constitution of 1844-1845, and was related to the Native American movement, raging when the Texas Convention met. The Texas Committee on the Legislative reported an exclusion section more sweeping than that of Louisiana, incorporating it in the legislative article instead of the bill of rights, where Louisiana had put it. The convention, perhaps again restraining the "ultraism of the age," supported the Committee in

<sup>24</sup>*Debates*, 53.

<sup>25</sup>*Ibid.*, 157.

<sup>26</sup>*Ibid.*, 159.

its recommendation, in spite of broad arguments against discriminations of any kind.

The basis of representative districts was and had been a vexed matter among western and southwestern states. No one of them, until Ohio, in 1851, based representation upon total population except Louisiana, in 1844-1845. But since Louisiana arbitrarily restricted the representation of New Orleans to one-eighth of the total membership of the senate, thus safeguarding the state against city influence, the force of the precedent was weakened. Texas now based her representative districts upon free population, and her senatorial districts upon qualified electors, a discrimination tending to favor the frontier counties where women, and children, and slaves were less numerous than in the older regions. The Convention followed the recommendation of the Committee on the Legislative in the case of the senate basis, but only after violent attempt had been made to change it,—an attempt that succeeded in changing the house basis from electors to free population. In the debate many different bases were suggested, ranging from total population, which would have favored the slave-holding region, to electors, which favored the frontier. The federal ratio of free persons and three-fifths of the slaves had no serious advocates, the southern community, here as elsewhere, showing no disposition to adopt for itself the condition that had been imposed upon the whole United States. The compromise as adopted was the work of a frontier rather than a plantation community. Like Baylor, the Kentuckian, many members were “against property being made the basis of representation, in any shape.”<sup>27</sup>

In her supreme court, Texas, in 1845, changed from the system of 1836, under which a majority of the judges were district judges, sitting with the chief justice, to a court of three judges, with no district duties, with appellate jurisdiction as its main function. The Alabama practice, which embraced a separate system of chancery courts, was discussed and dismissed without adoption by the Texas Convention, because of the greater convenience resulting from placing law and equity jurisdiction in a single court. There was suggestion that the judges be made elective instead of appointive by governor and senate, but the more democratic method had little support.

<sup>27</sup>*Debates*, 531.

The new Texas bill of rights bears the same resemblance to the bills of rights of other states that is borne by the articles on the skeleton of government, and shows the same instances of personal preference and local adaptation. In some of the states there is a strong presumption that the bill of rights was lifted bodily from another state, polished off, and adopted. Thus the Arkansas Convention of 1835 appears to have taken the Tennessee bill of rights of 1834, condensed it severely, using only half its articles but using them in such close sequence as to make the debt apparent. There is no such process visible in the selection or arrangement of the Texas article. Here, the twenty-one sections of 1845 are obviously an expansion of the seventeen of 1836, but the sequence of ideas indicates that, beyond this, the Committee that reported the bill of rights did its own thinking and arranged its own draft.

A Committee on the General Provisions of the Constitution consisting of fifteen members, including five lawyers and six farmers, under the chairmanship of Isaac Van Zandt, was appointed when the Convention organized on July 7. Four days later the Committee reported a draft bill of rights, having "given it that investigation and deliberation which its importance seems to demand."<sup>28</sup> The draft contained twenty-two sections, of which two were rejected in Convention, and to which one was added before the finished article was adopted. The rejected sections included one which forbade the legislature to prohibit emigration from Texas, and one authorized the pacifist citizen to avoid military service by the payment of fees. Both were matters of occasional mention in other states. The new section guaranteed the right to bear arms.

The debates on the bill of rights indicate the temper of Texas democracy, the chief division coming over free speech and libel when sections five and six of the report were taken up. At this point Francis Moore, an editor and a member of the Committee, offered an amendment making truth a complete defense in any matter of alleged libel, the Committee recommendation having limited the proving of truth as a defence to cases involving public men and matters, and leaving other cases to court and jury. Moore and those who thought with him based their case upon the fact that the bill of rights of 1836 guaranteed that "in all prosecutions for libels the truth may be given in evidence." To this it was

<sup>28</sup>*Debates*, 20.

replied that numerous states used the restriction advocated by the Committee. When Moore pointed to the Mississippi Constitution of 1817 as a neighboring precedent for his view, Van Zandt was able to correct his facts and weaken the force of his argument by showing that Mississippi, in her second Constitution, 1832, had made the alteration that the Texas Committee was now recommending. The meaning of free speech was discussed at length, and the difference between liberty and license was argued in detail. It was shown that freedom to publish was not impeded by the Committee's section, that nothing was barred but the publication of the truth in malice. The oppression of citizens by scandalous newspapers was frequently alluded to; in particular those of New York City, where a reign of terror was alleged to exist, were used as horrible examples. At one stage, the Convention agreed that "in all publications injurious to female reputation, the facts thereof shall not be enquired into; but shall be deemed false and libellous."<sup>29</sup> The debate however continued in Committee of the Whole, and before the Convention, where the matter was repeatedly taken from the table. The movement for complete liberty died hard, but in the end it gained only a clause added to the original section,—"or where the matter published is proper for public information."<sup>30</sup> With this proviso, leaving the propriety of publication to court and jury, the section was adopted. As adopted, it was similar in scope and nearly identical in wording with the corresponding section of the Arkansas Constitution, 1835.

There is no clear principle of division separating the general provisions which the Committee on the General Provisions placed in the bill of rights from those, equally general, which it incorporated in Article Seventh of the Constitution under the caption "General Provisions." The significance of a bill of rights was being lost in this period, as Constitutions ceased to be descriptions of governmental machinery and became codes. The restrictive sections now often added to the Constitution in the articles on legislative or executive, might as well have been added to the bills of rights, and it is no longer possible to compare bills of rights with the intention of finding the whole body of reservations of power. Louisiana put her exclusion-of-clergy section in the bill of rights;

<sup>29</sup>*Debates*, 94.

<sup>30</sup>*Ibid.*, 303.

Texas with equal propriety put it in the article on the legislative. The Committee on General Provisions reported its two sets of restrictive sections to the Texas Convention at different times, and the ensuing debates were spread over the whole session.

There were thirty-five sections of general provisions in the original draft,<sup>31</sup> and thirty-seven in the final article but the amendments in detail involved the addition of eight new sections, the alteration of others, and the elimination of six. And the same Committee reported, as still different parts of the Constitution, general provisions on impeachment, slaves, and schedule.

The most instructive debates on the general provisions concerned the rights of married women, the forfeiture of property rights, the basis of taxation, and the status of corporations. The first of these was debated long, beginning with the Committee recommendation, in its section nineteen, of laws "defining the rights of married women, upon a principle of community of property between husband and wife, having a due regard for the rights of heirs and creditors."<sup>32</sup> In opposition to this community of property theory there were urged upon the Convention two other bases;—silence, leaving the matter to the discretion of the legislature; and specific guarantee to women of the right to retain control of their own property. The last view prevailed after the section had been referred once to the Committee on the Judiciary, and again to a Special Committee.<sup>33</sup> The frontier view of women's rights seems here to have triumphed over the forces of common law and conservatism.

There had been a forfeiture clause in the Texas Constitution of 1836, directed against "persons who shall leave the country" to avoid the war, or "refuse to participate in it," or "give aid or sustenance" to Mexico. A strong attempt was made to carry this provision over to the new Constitution, but its opponents pointed out that the great enlargement of Texas boundaries between 1836 and 1845 had brought into the Republic many inhabitants whose aid to Mexico was natural, and against whom confiscation ought not to be allowed to operate. A tendency to confiscate Mexican-owned territory, as well as the inevitable frontier desire for land

<sup>31</sup>*Debates*, 275.

<sup>32</sup>*Ibid.*, 277.

<sup>33</sup>*Ibid.*, 360, 602.

speculation, was revealed by the debate. The proposed section was defeated, but there was added to the article a new section which reenforced the security of land titles as already settled under the old Constitution, and the finality of confiscations as therein declared.

Taxation was a subject upon which Democrats were likely to have specific convictions in 1845. In the next year their new Walker tariff was based upon the *ad valorem* principle, and in the debates of the period there was much discussion of the rival methods of *ad valorem* and specific duties. The twenty-eighth section as presented by the Committee in Texas required equal, uniform, and *ad valorem* taxes upon all property that was taxed, and permitted, in addition, income and occupation taxes. The recommendation fell midway between two sets of extremists, who wanted all property to be taxed, or who wanted to leave the legislature unrestricted. The former cited the evils of special privilege, and demanded taxation based upon the amount of protection. The latter denounced inquisitorial methods, which they alleged to be inseparable from proportional taxation, and urged the handicap under which the state would labor if deprived of the right to favor new industries by exempting the capital invested in them from taxation. The Convention easily agreed to excuse farmers and mechanics from any occupation tax, and Rusk, speaking for compromise as usual, declared that "Both systems have their objections. Taxation is odious in any shape or form in which it may come."<sup>44</sup> As finally amended the section permitted the legislature to exempt from taxation only by a two-thirds vote in each house, and insisted that other taxation should be on the *ad valorem* basis.

In the matter of corporations, Texas in 1845, as most states between the panics of 1837 and 1857, revealed the hostilities that hard times had engendered. The chartering of banks was sweepingly forbidden, in spite of appeals for moderation and for the future. More than this, the original section on banking and corporations was expanded, forbidding any issuance of notes or paper money, and restricting private corporations to such as could secure their charters by two-thirds vote in the legislature. The Committee recommendation for a general incorporation law, although pointing toward the future, was ahead of its time and was de-

<sup>44</sup>*Debates*, 445.

feated. Said Rusk, in a speech that summed up the opinion of the Convention,—“I think, as a member of the Convention and the community, that it is due to myself, the country, and the people themselves, to restrain them from doing anything which would result in their injury. The gentleman from San Patricio says that many individuals have been benefited by banks. Thousands upon thousands, sir, have been ruined by them. I consider it a bright page in the history of General Jackson, that he had the honor of giving the blow which will eventually destroy them upon this continent. And I wish by no vote of mine, here or elsewhere, to authorize the institution of a bank, which may benefit a few individuals, but will carry, here as elsewhere, ruin, want, misery and degradation in its train.”<sup>25</sup>

A thorough comparison of the debates of Texas with those of the other states that made themselves Constitutions during the later Jacksonian Period would bring out the point of view of democratic society and Democrats. In Texas, as elsewhere along the frontier, the independence and detachment of society reveal themselves. The absence of large financial interests shows itself in the simple provisions on banking and incorporation. New York in 1846, presents the reactions of an elaborately organized community in the presence of its debts and its corporations. All the Constitutions of the period show the change that was imminent. as industry swelled in magnitude and enterprises grew in size. But Texas was still a frontier,—not so much a frontier as in 1836, not entirely under the influence of the pioneer, not completely given over to the “ultraism of the age,” but none the less youthful, confident of its capacity, and progressive in its views.

<sup>25</sup>*Debates*, 461.

## HARRIS COUNTY, 1822-1845

ADELE B. LOOSCAN

## III. LOCAL ADMINISTRATION

With the election of General Houston and Mirabeau Lamar as President and Vice President of the Republic, the terms of Burnet and Zavala drew to a close. The new Congress, which, together with the President and Vice President, had been elected on the first Monday in September, assembled on the third day of October in the town of Columbia, Brazoria County. Zavala resigned his office October 21st, and Burnet sent in his last official communication on the next day. On assuming the duties of his office Lamar paid a noble, eloquent tribute to his predecessor, commending his public and private virtues. Zavala had died at his home on Buffalo Bayou November 15, 1836.<sup>1</sup>

The Constitution, under whose provisions the first Congress assembled, had been adopted at Washington on the Brazos on the 17th day of March. Certain of its articles provided for the division of the Republic into convenient counties, and the establishment in each county of a county court and such "justices' courts" as Congress should from time to time determine. So, with the passing of the provisional government, which now took place, new laws were made for the establishment and government of these counties. The first act passed relating to the County of Harrisburg provided that "the seat of justice be, and the same is hereby established at the town of Houston." This act was approved December 22, 1836, and a section of the same act decreed "that the Island of Galveston shall for the future be included within the limits of the County of Harrisburg and be and compose a part of said County."

The time for "holding court" in Harrisburg County was fixed by the first Congress, on the fourth Monday of January, April, and October. It consisted of a chief justice, elected by joint ballot of both houses of Congress for a period of four years, and two associate justices selected by a majority of the justices of the peace from among their own body, and said justices so selected were

<sup>1</sup>Brown, *History of Texas*, II, 108-109.

required to attend said county court, or pay a fine, to be assessed by the chief justice, not exceeding one hundred dollars. The law required that there should be elected by qualified voters, from each militia captain's district, two justices of the peace for their respective districts, "who shall be commissioned by the president and hold office for two years."<sup>2</sup>

The name "Harrisburg County" remained in use until it was changed to "Harris" by a joint resolution of Congress, approved by Mirabeau B. Lamar, December 28, 1839.

The creation of the County of Galveston on May 15, 1838, relieved the chief justice of Harrisburg County of one responsibility previously attaching to his office, which had required that a justice of the peace and a constable should be maintained on the island and elections be held there.

Andrew Briscoe, the first chief justice of Harris County, was a Mississippian, who had studied law in the office of General John A. Quitman at Jackson, Mississippi. He was admitted to practice in the courts of that state. He did not follow the profession of law for any length of time, however, but lived on his plantation. He was registered as a citizen of the State of Coahuila and Texas, district of Ayish in 1833, and made several trips back and forth between Mississippi and Texas on horseback before engaging in any business. He was about twenty-five years old when finally, early in 1835, he landed a stock of goods and opened a store at Anahuac. The details of his experience with the Mexican authorities at this place are given in letters, which have been made a part of this history, and in copies of publications made at the time in a newspaper at Columbia.

The irregularity, unavoidably attendant upon the organization of the government of the Republic of Texas, also pervaded that of Harris County, thus casting great responsibility upon the first chief justice. He was obliged to assume authority not yet clearly defined by law. Three letters addressed by him to Hon. Thomas J. Rusk, which show his position in the premises, are on file at Austin.

The previous course of Andrew Briscoe in doing his part as a soldier toward gaining independence, as a member of the Convention at Washington, toward forming a government, all gave assurance of his faithful discharge of any duty intrusted to him.

<sup>2</sup>Gammel, *Laws of Texas*, I, 216-224.

At San Antonio, where he, with his company of Liberty Volunteers, had taken part in the minor engagements about that place, he had later volunteered to "follow old Ben Milam into San Antonio." Then, when the people of the municipality of Harrisburg had elected him to join his colleague, De Zavala, and represent them at Washington, he rode across the country to that place. The deliberations of the Convention having come to an end, he was immediately commissioned into military service again. At the battle of San Jacinto he was captain of Company A, Infantry Regulars, under command of Colonel Henry Millard. He had been tried and found true, and the newly organized government commissioned him to continue in the service, but in a new rôle, as chief justice of the County of Harrisburg.

There was much embarrassment in organizing the new county. The appointment of the chief justice of Harrisburg County was made on December 20, 1836, yet twenty days elapsed without his receiving any official notification of his appointment, and he was impelled to write on January 9, 1837, to Rusk, then secretary of state, reporting the fact that all the information he had obtained with regard to carrying out the duties of the office he was expected to fill, had been through the newspapers, and "a hand bill with the printed name of Wm. S. Fisher appended, requiring the chief justice immediately to organize the militia according to law, but addressed to no one."

Seeing the great necessity for the immediate organization of the militia, he was resolved to take the oath of office at Harrisburg and carry out this important duty, but to perform no other official functions until instructions had been received from the department of state.

Another letter to the same authority dated January 11, 1837, says: "I had received no official intelligence that I had been appointed to the office, but suppose that such neglect was caused by the late illness of General Austin. I have taken the 'responsibility' of dividing my county into captain's beats, and have issued official orders for militia election. If I have done wrong it will produce no bad results."

He further speaks of the county being very much disorganized and entirely without magistrates, and of the fact that he had not seen the law creating county courts, nor had he taken the oath of

office on account of the absence of Robert Wilson from Harrisburg County at that time.

In the next letter dated January 30, 1837, he includes a statement of "the boundaries of Harrisburg County as nearly as they could be ascertained in the absence of the laws creating them."

He suggests that "Galveston Island having been attached to this County by a late act of Congress, throws our County into a very awkward shape, said Island being entirely unconnected with any other part of the County"; and concludes by outlining plans for certain changes in the county boundaries.

The county court of Harrisburg County, as first organized, with few exceptions, corresponds very closely with that in force at the present day. The county commissioners, justices of the peace, and chief justice of the county court constituted a board of commissioners which was invested with entire control and supervision of roads, highways, ferries, bridges, and was required to provide at the expense of the county, for the support of the indigent, blind, and lame, who were unable to support themselves.

All probate business was in charge of the chief justice of the county court. Among inventories of estates filed, were included the names of many slaves, and occasionally an application was made for guardianship for a "free girl or boy of color."

Records of the probate court show that at its first session on February 28, 1837, Richard Vince, by his attorney, T. J. Gazley, asked to be appointed administrator of the estate of Robert Vince, deceased, which was granted.

The first marriage license was granted to Hugh McCrory and Mary Smith, July 16, 1837. It was signed by D. W. Clinton Harris, County Clerk. The marriage took place July 23, 1837, Z. H. Matthews, a minister of the Methodist Church, officiating.

The minutes of the commissioners' and county court from March 9, 1837, to March 23, 1846, give the names of the following chief justices who performed the duties of this office, viz: Andrew Briscoe, H. Humphreys, B. P. Buckner, Isaac N. Moreland and A. P. Thompson. Associate justices for the same period were Joel Wheaton, Clement C. Dyer, James McGahey, John Shea, Benjamin F. Hanna, E. H. Wingfield, John Fitzgerald, George Fisher, Sol Child, James M. McGee, W. F. Weeks, C. Herman Jaeger, J. W. Fogg and Josiah T. Harrell. Clerks of the county

court were D. W. C. Harris, E. D. Wingfield (clerk pro tem. for probate court October 29, 1837), and Wm. R. Baker.

Minutes of the commissioners court for the first term show that the board of commissioners met on March 9, 1837, "pursuant to the order of Hon. A. Briscoe." The justices of the peace present were Isaac Batterson, C. C. Dyer, Joel Wheaton, John Denton, and J. S. McGahey. A. Briscoe, president of the board, presided. Two associate justices for the county and probate courts were elected by ballot. They were C. C. Dyer and Joel Wheaton. The minutes were signed by D. W. C. Harris, Clerk.

The minutes of September record the names of C. C. Dyer, J. Cooper, M. M. Battle and J. S. McGahey as having been appointed to prepare plans and receive bids for a court house and jail. At another meeting in the same month they reported, and a committee consisting of the chief justice and Sheriff John M. Moore, was appointed to receive title to the square upon which the buildings were to be placed. The committee to build the court house and jail consisted of M. M. Battle, C. C. Dyer and Isaac Batterson.

On January 18, 1838, A. Briscoe reported that the contract had been let to Maurice L. Birdsall to build the jail at \$4,750.00, and the court house for \$3800.00. At a meeting held on April 7, 1838, it was reported that some alteration had been made in the plan of the jail, making it necessary to contract for a second story to the building. This contract was also taken by Birdsall. The work was completed and the jail ready for occupancy on the 23d day of March. The contractor had been allowed till March 20, and the explanation was made by the president of the board that, "this delay is excusable on account of the uncertainty of communication between this port and New Orleans, where he had to send for his spikes and iron doors."

The commissioners were greatly harassed by the complaints of property owners in the neighborhood of court house square, who objected to the location of the jail there.\*

The first commissioners court was officially called "The Board of Commissioners of Roads and Revenues."

The sheriffs were John W. Moore, Magnus T. Rodgers and John Fitzgerald.

The sheriff's duties included the collection of taxes, and he was

\*Another courthouse was built in 1850 on the square.

required to open an office in different sections of the county, on stated dates. For instance, on June 5, 1839, Sheriff John W. Moore gave notice that he would attend in his office in the city of Houston on June 30, at Lynchburg on July 1, at Wm. Pierpont's store, Spring Creek, for receiving State and County taxes for 1838, inviting all tax payers to be present on these dates, and settle up, or be dealt with according to law.

The deputy sheriffs often performed the duty of collecting taxes in the county precincts. William K. Wilson was one of the deputies who performed this office for many years.

A list of precincts in the county tends to show that in 1843 the largest part of the population was in, and south of, the city of Houston. Chief Justice Algernon P. Thompson, in ordering an election for sheriff and coroner February 6, 1843, declared that polls should be opened at the following precincts, in charge of presiding officers, viz: No. 1, Court House, Jas. M. McGee, Esq.; No. 2, Kesslers' Arcade, G. H. Jaeger, Esq.; No. 3, City Hotel, F. C. Wilson, Esq.; No. 4, Niles' Coffee House, R. A. Hanks, Esq.; No. 5, Harrisburg, A. Briscoe, Esq.; No. 6, Lynchburg, at Hardin's house, M. Hardin, Sen.; No. 7, S. N. Dobie's, Middle Bayou, G. B. Reed, Esq.; No. 8, Spillman's Island, H. Levenhagen; No. 9, B. Page's, B. Page; No. 10, Penn's, San Jacinto, D. P. Penn; No. 11, R. Dunman's, Werry B. Adams; No. 12, Cypress Bayou, John W. Fogg, John Simons; No. 13, Spring Creek, G. W. Cropper, W. Beasley.

The Republic of Texas was divided into four judicial districts, and one judge was elected to each district by vote of both houses of Congress. He was required to reside, after his appointment, in one of the counties of which his district was composed. A district court was required to be held in the county of Harrisburg on the third Mondays in March and September, and might continue in session six days and no longer. As the judges were required "to alternate, so that no one judge should hold court in the same circuit for two courts in succession, unless called upon to do so by the judge whose duty it may be to hold such circuit," the minutes of the district court of Harris County show that twelve different judges presided during the period from March, 1837, to the fall of 1846.

Harrisburg (Harris) County was at first comprised in the sec-

ond judicial district, but, upon an increase in the number of districts, it became, after a few years, a part of the fourth, and subsequently upon the further increase of districts to seven, it composed a part of the first district. Every session of Congress changed the counties of the several districts, and the times for holding courts, so that there seems to have been much irregularity in the courts of this county. What with deaths, resignations, and absences of the judges, many terms of court passed without sessions being held, and little business was transacted, as shown by the minutes. Owing to the frequent changes in the laws regulating these courts, there seems to have been confusion in the minds of the lawyers as to who were qualified to preside. *The Morning Star* of December 5, 1839, comments as follows: "There is strong reason to fear that the regular term for holding a session of the District court in the county will again be permitted to pass unimproved, as there appears to be a great difficulty about a judge. It was imagined in the absence of the newly elected judge of this District, Judge Shelby would preside during the present session, but it has been decided this measure would also be illegal." Judge Benjamin C. Franklin presided over the first term, of March, 1837. Others who presided at succeeding terms were Shelby Corzine, James W. Robinson, Edward T. Branch, R. M. Williamson, H. W. Fontaine, A. B. Shelby, Richard Morris, Patrick C. Jack, M. P. Norton, R. T. Wheeler, and John B. Jones.<sup>4</sup> In many instances the statement is made on the minutes, "Judge absent," "No court," and in very few cases were the minutes signed.

The District clerks for the same period from March, 1837, to the fall term of 1846 were J. S. Holman and Francis R. Lubbock.

"The District Courts having been organized by the Act of December 22, 1836, the first District Court held in the county was opened on Monday, the 20th of March, 1837. Present—Hon. Benjamin C. Franklin, Judge; John W. Moore, Sheriff; James S. Holman, Clerk. The commission of the Judge, dated December 20, 1836, and signed by Sam Houston, President, and Stephen F. Austin, Secretary of State, was read and ordered to be recorded. The following are those who answered when called by the sheriff,

"This list of judges was obtained from the minutes of the District Court, Eleventh Judicial District of the State of Texas, where the minutes of the District Court of Harris County of the Republic of Texas have been preserved. They are comprised in books A, B, C, D, and E.

came into court and composed the first Grand Jury, to-wit: Benjamin F. Smith, Edward Ray, Benjamin Stancil, Abraham Roberts, P. W. Rose, Wm. Goodman, M. H. Bundic, Wm. Burnett, John Goodman, sr., Freeman Wilkerson, Gilbert Brooks, Thomas Hancock, Allen Vince, John Dunman, James Earls, Elijah Henning, Andrew H. Long and Joseph House, sr. Benjamin F. Smith was appointed foreman. This grand jury held its sessions in the boughs of some large trees which had been cut down and were lying on the ground near by. On the next day, March 21, the first indictment was brought in; it was against Whitney Britton for assault and battery; also, against Joseph T. Bell for murder, and James Adams for larceny. Britton was tried on the same day and fined five dollars. Joseph T. Bell was also tried on the same day under the indictment for murder. Bell demurred to the indictment—this, we are told means to stop or delay—the court however, positively refused to be delayed right in the threshold of its proceedings; the demurrer was overruled and Bell required to answer, which he did by pleading ‘not guilty’; then came a jury, the first ever empaneled in the county, to-wit: Berry Beasley, Sam M. Harris, Arche Hodge, James Pevehouse, D. S. Harbent, Edward Dickinson, John Woodruff, Marshall McKeever, Elliot Hodge, Leeman Kelcey, John O’Bryan and Joseph A. Harris, who concluded that the prisoner had done nothing more than they would have done under similar circumstances, and returned a verdict of justifiable homicide. James Adams being also tried for larceny, we find Gov. F. R. Lubbock on the jury—the jury found the prisoner guilty of the theft and it was thereupon decreed that that said Adams restore to Lawrence Ramey \$295 and the notes mentioned in the indictment, and further that he receive thirty-nine lashes on his bare back, and be branded in the right hand with the letter T, and that the sheriff or his deputy, on Friday, March 31, execute the sentence in some public place in the city of Houston.”<sup>5</sup>

The custom of duelling prevailed in the Republic of Texas, as it did in many of the states at that time. But efforts were being made to discountenance it, and on December 26, 1838, we find the foreman of the grand jury and his fellow jurymen issuing a lengthy and forcible address, principally directed against the evil

<sup>5</sup>Burke's *Texas Almanac*, 86-87.

of duelling, and earnestly inviting the attention of Congress to the necessity for specific laws against the practice. The names of this grand jury are recorded as follows: Niles E. Smith, Foreman, W. Douglas Lee, A. C. Allen, George White, William M. Cooke, John Alex. Newland, James Seymour, John Iiams, William B. Bronaugh, L. C. Stanley, Daniel Shipman, Lorenzo de Zavala,<sup>6</sup> George W. Powell, Richard Ross.

The following is a partial list of the members of the bar, and officers of the court of the Second Judicial District in 1839. It was copied from *The Morning Star*, April 16, 1839, and represents those who endorsed Augustus Tompkins for re-election to the office of district attorney, which he then held:

Moseley Baker, I. N. Moreland, John Birdsall, H. W. Fontaine, Thomas J. Gazley, H. Austin, S. L. B. Jasper, Jackson Smith, E. L. Stickney, J. H. Herndon, Wm. Ward, A. H. Phillips, John R. Reid, P. R. Lilly, Solon Miller, Jas. Love, Pat C. Jack, Chas. Cleland, Robert Page, Fenton M. Gibson, John L. Doran, A. B. Shelby, A. Wynne, R. Ross, R. Morris, J. W. Moore, Sheriff Harris Co., Jno. Fitzgerald, Coroner, E. H. Winfield, Clerk District Court, A. M. Tompkins, District Attorney.

Harris County was represented in the Congress of the Republic of Texas by the following: In the first, second and third sessions of the Senate, by Robert Wilson; fourth, fifth and sixth by Francis Moore, Jr.; seventh, eighth and ninth by William Lawrence. In the first session of the House by Jesse H. Cartwright, second by Thomas J. Gazley, third and fourth by William Lawrence, fifth by James Reilly,<sup>7</sup> sixth by Archibald Wynne, seventh by Sidney Sherman, eighth and ninth by J. W. Henderson.<sup>8</sup>

As the finances of a county are of the utmost importance in tracing its progress, I endeavored to get an accurate record of the tax returns of Harris County, hoping to find in the assessment

<sup>6</sup>This was the eldest son of General Lorenzo de Zavala, who remained in Texas several years after the Revolution, and eventually removed to Yucatan.

<sup>7</sup>James Reilly represented the Republic of Texas at Washington, and during Buchanan's administration was appointed minister from the United States to Russia. He was killed while in command of his regiment, C. S. A., at the battle of Franklin, Louisiana, in 1862.

<sup>8</sup>J. W. Henderson was Lieutenant Governor when Governor Peter Hansboro Bell was elected to congress in 1853, and served as Governor during the remainder of his term of office.

rolls items that would be of interest. But, they were not accessible, having been stored in the old jail at the time the new court house was under construction. I then applied to the comptroller's office at Austin, and was told that the records sought for, were there, but upon investigation I learned that they were in a bad condition, being not only yellow from age, but that insects had ravaged among their figures, and they could only be studied and satisfactorily deciphered by the aid of a magnifying glass. Under these adverse conditions, I have been unable to do more than approximate the financial status of the county, during the nine years of its corporate existence as a part of the Republic of Texas, and have culled from the mutilated data a few items which are here presented:

In the treasury department, office of the commissioner of revenue, is the sworn statement of John W. Moore, first Sheriff of Harris County, to the effect that "the amount of nine thousand six hundred and forty two 44/100 dollars is all the taxes collected by me for the year 1837." This was sworn to and subscribed before E. L. Stickney, acting commissioner of revenue at Austin, on August 13, 1840—a fair showing for a new county in a country just emerging from revolution. A steady rise in values continued until the crest of prosperity was reached in 1841, when official returns showed the total amount of \$12,218.45 assessed. But the next year the curve of decline was so sharp as to indicate a panic, and such there really was. The two Mexican invasions of that year necessitated a call "to arms," and the able-bodied men of the county again went into the field in defense of Texas. It is not surprising to find that the list of taxable property handed in for assessment amounted to but little in excess of one-fourth of that of the previous year, to be exact, the small sum of \$3,116.40.\*

In this assessment were included 1,039,239 acres of land valued at \$789,515, 1068 town lots at \$279,818. Among the assessed property were 287 negroes over ten years old, and 151 under that age; 1 stud horse, 373 work horses, \$300.00 at interest, 5779 head of cattle, 9 pleasure carriages, 19 wooden clocks, 3 metal clocks, 17 silver watches and 21 gold watches.

The generally disturbed condition of the whole country on ac-

\*The report was made by W. R. Baker, Chief Clerk, Harris County, and Assessor, before A. P. Thompson, Chief Justice, on November 30, 1842.

count of actual invasion, the consequent depreciation of the currency of the Republic, and the removal of the capital from Harris County combined to create severe financial depression from which there was slow recovery. Records during the years intervening between this time and annexation, instead of showing an advance in values, indicate a downward tendency, which continued until annexation was an assured certainty.

The student of history who reviews the phases of life in this county during the Republic, finds much of interest, not in the success that attended the efforts put forth, for there was slight reward, but in the unswerving faith of those who had settled here and determined to stay, come weal or woe. In no respect was this quality of the citizenship more signally displayed than in the building up of its chief city, named in honor of Sam Houston, the commander in chief of the Texan army, the hero of San Jacinto.

## BRITISH CORRESPONDENCE CONCERNING TEXAS

## XIV

EDITED BY EPHRIAM DOUGLASS ADAMS

KENNEDY TO ABERDEEN<sup>1</sup>

No. 14.

Her Majesty's Consulate

Galveston. June 14th. 1844.

My Lord,

I have the honor to enclose a statement of Laws affecting Shipping and commerce, passed during the last Session of the Congress of this Republic, which terminated on the 5th of February in the present year.<sup>2</sup>

I have also the honor to enclose Copy of a Communication from Captain Elliot,<sup>3</sup> Her Majesty's Chargé d' Affaires to Texas, in answer to mine of the 18th April, of which I deemed it my duty to transmit a Copy to Your Lordship. Captain Elliot's letter, though dated the 1st of May, did not arrive at Galveston until the 3d of the present Month, and it might have been delayed still longer, had not the packet containing it been found at a Steamboat office by my New Orleans Agent.

It would be seen by my Correspondence, that, before the receipt of Captain Elliot's letter dated 1st May, I had proposed to avail myself of a Copy of the Acts of the Texan Congress, as "published for general use," for the purpose of reporting "to the proper quarter all enactments of consequence to our Commercial and Maritime Interests." But, while taking this course, I must respectfully take leave to dissent from Captain Elliot's opinion that it was not necessary to make any application to the Government (of Texas) "upon the subject." On the contrary, the examination of the Acts of Congress, previous to drawing up the enclosed Statement, has

<sup>1</sup>F. O., Texas, Vol. 10.

<sup>2</sup>See Gammel, *Laws of Texas*, II, 969, 976, 998, 1017. Kennedy's enclosure summarizing the laws is here omitted.

<sup>3</sup>Eliot to Kennedy, May 1, 1844, telling the latter to buy copies of Acts of Texas Congress, rather than communicate with the Government of Texas.

impressed me still more with the necessity of obtaining, for official use, a Copy of the Laws the fidelity of which shall have been certified by the Department of State.

I have had long experience of the general inaccuracy of documents printed in the United States. The usual causes of this inaccuracy exist in a still greater degree in Texas, and there is a proportionate Amount of typographical error. Among the published Laws of last Congress, there is, for instance, one entitled "An Act Supplementary to an "Act regulating the Sale of Runaway Slaves," approved *January Fifth 1841*."—According to the Statutes for 1841, the original law (which, together with the Supplementary Act, I have transmitted in my "Slave Trade" Correspondence) was approved on the 5th of *February*, not *January*, as recently set forth. I might adduce other instances, but this will suffice to show the unreliable character of the printed Acts.

In reference to the concluding portion of Captain Elliot's reply to my letter of the 18th April, I would beg to observe that—while very far from presuming to question the expediency of any arrangement sanctioned by Her Majesty's Government, it appeared to me that, without any abatement of becoming deference, and in strict accordance with the understood duties of my office, I might respectfully point out whatever public inconvenience arose from a particular arrangement, in order that due provision should be made against the recurrence of such inconvenience. In enacting new laws, or amending old ones, the Legislature of Texas usually provides that the enactments shall come into operation, "from and after the passage of the Act," or "from and after the first day of April," next ensuing. Now, as the Legislative Session, almost invariably closes in the beginning of February, it is certainly desirable that timely notice should be given of all changes affecting trade and shipping, for the guidance of Merchants and Ship-owners during the current year. For lack of such notice, as I stated in my letter to Captain Elliot, of 18th April, "Shipments may be made from England to Texas, under the faith of one Tariff, and arrive just in time to be taxed inopportunately, under the provisions of another."

It is a fact universally admitted here, and not unfrequently a Subject of Complaint, that the Majority of those chosen to the

Congress of Texas are but little skilled in the principles of Commercial legislation, and that Mercantile interests are consequently in peril from rash and ill-digested enactments. It was from knowledge of this fact and apprehension of possible results, that—"with a view to the public advantage,"—I ventured to suggest that—"On occasion of the absence of Her Majesty's Chargé d' Affaires from this Country, during the Legislative Session, it might be expedient to have a proper person, duly authorized, to watch over the proceedings, and to note whatever Measures promised to prove prejudicial, or otherwise, to British interests."

William Kennedy.

The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN<sup>4</sup>

*Private.*

Her Majesty's Consulate  
Galveston. June 18th. 1844.

My Lord.

Several weeks have elapsed since my attention was called to a Matter of some delicacy, on which I was slow to bestow serious notice, partly from doubts as to the earnestness of alleged Agents, partly from a disposition to repel any overture, or disclosure, that might in any degree tend to compromise Her Majesty's Government through me, and partly from the apparently unwarrantable introduction of the names of Her Majesty's Chargé d' Affaires and the Chargé d' Affaires of France to this Country.—Of late, this Matter has been presented to me with such a minuteness of detail and semblance of authority, that, to provide against possible contingencies and to relieve myself of an uneasy sense of responsibility, I hold it best to put Your Lordship in possession of the leading facts.

Since the return of Colonel Hockley and Mr Williams, the Texan Commissioners appointed to treat for an Armistice with Mexico, they have not only been visited by unpopularity consequent upon an abortive Mission but there has been an ostensible alienation between them and the President of the Republic. This alienation has been manifested, on the part of the Commissioners, in complaints that, but for the unseasonable action of the Executive in

<sup>4</sup>F. O., Texas, Vol. 10.

favour of the Annexation of Texas to the United States, their Mission might have proved successful. Occupying the position of thwarted Negotiators, it was natural that they should signify their dissatisfaction with a Measure which virtually divested them of their delegated functions and nullified their endeavours. As was to be expected then they have taken occasion to pronounce an unfavourable opinion of the project of Annexation, more especially the Military Commissioner, Colonel Hockley, whose late Colleague being engaged in Mercantile pursuits, is, therefore, it has been intimated, reluctant to commit himself openly to what the Mass of the population would probably consider an objectionable course.

From the free avowals attributed, and I have reason to believe with justice, to Colonel Hockley, it would appear that the ex-Commissioners do not intend to limit their opposition to Annexation to the mere expression of opinion. On the presumption that the Treaty of Annexation may receive the approval of the United States' Congress, they have (I am taught to believe) meditated, and are meditating, the organization of a party, to make a stand against that Measure, even (so at least, the language ascribed to Colonel Hockley seemed to indicate) to the point of armed resistance. In support of the general design, Colonel Hockley and one or two of his fellow-Countrymen and friends alleged that they have the Countenance and Counsel of the now absent representatives of Great Britain and France, from the former of whom Mr Williams, it is asserted, received encouraging Communications by the Steam-boat "New York," which arrived at Galveston, from New Orleans on the 11th Instant. These Communications, together with others superscribed "Private" and addressed to President Houston, were, it is said, recently despatched from Natchez on the Mississipp by Captain Elliot, who—had I not been otherwise instructed by Your Lordship's letter to Mr Macdougall of the 18th April, and Captain Elliot's letter to myself, of the 20th May, —I might be led to infer was still sojourning at, or near to, that locality.

When the Matter under review was first opened to me, in the guise of intelligence, M. de Saligny, Chargé d' Affaires of France, and Colonel Hockley were described as the parties to an arrangement, under which the opponents of Annexation, when properly

organized, were to invoke the aid of France, to uphold them in their efforts to sustain the independence of Texas against the United States. With the progress of events, and for the purpose, it may be, of attracting adherents, the Name of Her Majesty's Chargé d' Affaires was brought forward, as being equally propitious to the design as the representative of France. Finally, it has been stated, that, should the Treaty of Annexation be approved by the Congress of the United States, Colonel Hockley and his Coadjutors will urge forward the prosecution of their plan,—And should the Treaty be rejected, Captain Elliot and M. d' Saligny will expedite their return to Texas, to pursue the Course which circumstances may seem to require—it being understood that President Houston has pleaded their absence from the Seat of Government, during the last Session of Congress, in defence of his yielding to the wishes of the Texan Legislature on the Subject of Annexation.

This is an outline of the Communications, that have been made to me, and which are submitted to Your Lordship as conveyed from Creditable sources, and as affording means of explanation in the event of any complication of affairs arising out of the circumstances detailed

At a period so critical as the present, it may not be inopportune to assure Your Lordship that I have strictly confined myself to the sphere of an observer, limiting the active exercise of forethought to the Condition of British Residents who, on the faith of it's Independence, have selected Texas as a field of enterprize. I may be permitted to add that, acting solely on my own responsibility, I should certainly be wholly adverse, as a general rule, to any connexion with the operations of local party, particularly at the present juncture.—Nor, without impugning, the respectability and good faith of Colonel Hockley and Mr. Williams, would I be at all inclined to make an exception in favour of their alleged Movement. That Movement may be judicious in itself, becoming in its Authors, patriotic as regards this Country and (what I should apprehend to be problematical) accompanied by a prospect of Success.—but it is not to be forgotten that Mr Williams and Colonel Hockley are of American birth and education, that the former was, at one time, private secretary to General Andrew Jackson, and, not remotely, a Member of General Houston's Administration, that

reconciliation and renewed accord with the latter may not be difficult, when it shall seem expedient, that their project and the external sources of reliance are known to other Americans,—that, among a Republican democracy, political secrecy is next to impossible.—And that, if the contemplated design should transpire through the usual means of publicity, it is sure to be dilated into a Scheme of alarming magnitude, calculated to awaken fresh Jealousies in the United States, respecting British interference, and to serve as a pretext for those who wish to precipitate a war. Among the excitable population of the North American Confederacy, a small spark may kindle a great flame.

In a letter marked "Private," which I had the honor to address to Your Lordship on the 31st Ultimo, I mentioned that, to move President Houston to promote the Measure of Annexation, a powerful party in the United States had, it was said, "held out inducements tempting to his Ambition."—Those inducements, I am told, were,—the representation of Texas, as Senator in the United States Congress,—the probable leadership of the American Democratic Party., and the prospect of being started as its Candidate for the Presidency in the year 1848. These propositions would doubtless originate with General Jackson, who, it will be observed, has evinced much dexterity in superseding Mr Van Buren by a Candidate pledged to support Annexation, in the approaching Contest for the Presidency

So far as I can learn, or perceive, Texas continues quiet. The trial of Commodore Moore, for disobedience of orders, and other weighty offences charged against him, is proceeding at the Seat of Government.—The only American Vessel of War at Galveston, is the Schooner "Flirt," which, with one or two brief intervals of absence, has been lying in the Harbour since October last.

The Earl of Aberdeen. K. T.

William Kennedy.

ELLIOT TO ABERDEEN<sup>5</sup>

No. 14.<sup>6</sup>

Blue Sulphur Springs,  
Virginia June 22d. 1844.

My Lord,

I have the honor to report that I am ready to proceed to my

<sup>6</sup>F. O., Texas, Vol. 9.

<sup>5</sup>Eliot to Aberdeen, No. 13, 1844, was not found.

post whenever my presence there may seem to Your Lordship to be desirable; and I would add that I have written privately to Mr Pakenham some days since, to say that I shall be prepared to return to Texas at any moment that He may see reason to recommend that course.

Through the press of this Country I learnt that the treaty of annexation had been rejected by the Senate of the United States, and I also observe that Mr Benton's important legislative measure to the same purpose (however modified, limitarily considered) has been set at rest for the present. But I suppose it may be taken for granted that the subject of annexation will be renewed again in some form, at the next regular Meeting of Congress in the United States, if not at a called Session, and perhaps with more probability of success than has attended the treaty

It is not my place, to comment upon the principles of Mr. Benton's Measure, or on the agitating consequences of the continued discussion of this subject in the United States, particularly with these intentions to exclude Slavery from a portion of the Country which He proposes to designate the South Western territory." The heats and serious difficulties, however, which occurred on the introduction of the State of Missouri into this Confederacy will probably present themselves to Your Lordship's recollection in connexion with this subject, for the questions in several important particulars offer the same reasons for anticipating hardly reconcilable differences of opinion.

The excitement and dangers of the Missouri case were only turned aside by the final prevalence of a spirit of Compromise, for which there is less room, and still less of temper in the present instance, and at this advanced period of public opinion and experience upon the subject of Slavery. But without dwelling on these points, I certainly cannot think that Mr. Benton's proposition will find favor with the Government or people of Texas, either in point of matter or manner.

It is to be hoped that the Government of Mexico will prevent a renewal of this Complication, and all the consequences arising from it by the adoption of a sounder policy than they have hitherto pursued, the time for which appears to be rapidly passing away.

I take the liberty to repeat to Your Lordship that communica-

tions to me, addressed to the care of Her Majesty's Consul at Boston, will always reach me within a few days of their arrival at that point.

Charles Elliot.

The Right Honorable,  
The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN<sup>7</sup>

No. 15.

Her Majesty's Consulate.  
Galveston, July 8th. 1844.

My Lord,

I have had the honor to receive Your Lordship's despatch, No 3 of this years series, and beg to tender my grateful acknowledgment of your considerate kindness, in granting me the permission it conveys to seek change of air and scene, for the more speedy re-establishment of my health.

Being sufficiently restored to attend to my various duties, I do not (in the absence of Her Majesty's Chargé d'Affaires) propose to avail myself of the leave until the beginning of September next, when European Shipping will have ceased for a time to frequent this Port; nor, even then, should any exigency render it expedient that I should remain at my post.

I were unworthy of the interest in my welfare indicated by Your Lordship's permission, had it not the effect of quickening my anxiety for the efficient and full discharge of the obligations of my official trust, and of lightening the sense of any personal sacrifice which a conscientious estimate of the weight and extent of those obligations might call upon me to make.

William Kennedy.

The Earl of Aberdeen, K. T.

F. O., Texas, Vol. 10.

## BOOK REVIEWS AND NOTICES

*The Winning of the Far West: A History of the Regaining of Texas, of the Mexican War, and the Oregon Question; and of the Successive Additions to the Territory of the United States, within the Continent of America, 1829-1867.* By Robert McNutt McElroy. (G. P. Putnam's Sons, New York and London, The Knickerbocker Press, 1914. Pp. x-384. \$2.50.)

In the preface of this book Professor McElroy says that *The Winning of the Far West* "was written at the instance of the publishers, to constitute a continuation of Colonel Roosevelt's *Winning of the West*." We have a right to expect then a continuation of Roosevelt's work, taking it up where he dropped the subject and doing for the Far West what Roosevelt did for the Mississippi Valley. Roosevelt grasped the fundamental conception of the winning of the west in his opening chapter on "The Spread of the English-speaking Peoples." To him the winning of the west was the story of the frontiersman crossing over the Appalachians, occupying the Ohio Valley, and rudely jostling the Indian and the Frenchman. Once established, he played no mean part in the Revolutionary War in the winning of a title to the lands as far as the Mississippi River. After the war, came a second great wave of migration which reached to the Mississippi and beyond, and to the north and the south, involving the Westerner in a struggle with the Indian and the Spaniard. The title finally secure and the lands being gradually occupied, Roosevelt then turns back to view the development of state and territorial institutions, ever bearing in mind the flow of population and the crowding of the Indian. Then follows the story of the settling of the frontier difficulties and the acquisition and exploration of Louisiana. Such in brief outline is Roosevelt's work, admirably conceived, and though at times inadequate, still the best single work that has been done on the period.

Professor McElroy's conception of the subject is thus stated in his preface: "*The Winning of the Far West* is a study of such national action and international relations as have resulted in additions, within the continent of North America, to the territory of the United States." Later, he says, "The record of the winning

of the west presents a theme of epic character and one not likely ever to be repeated in the history of mankind. . . . To the student of to-day it means the acquisition of Texas, New Mexico, and California, Utah, Nevada, and Arizona, Washington, Oregon, and Alaska, with parts of Colorado, Wyoming, and Montana. To the next generation it may mean far more; for we are a nation in process of becoming, and what we shall be no man can predict."

An examination of the contents of the *Winning of the Far West* shows that by "national action and international relations" Professor McElroy means the Mexican War and the diplomatic activities of the national government. "To the student of to-day," he says, and here the author evidently regards his own as the viewpoint of the present generation, this is the story, but the viewpoint here expressed is not the viewpoint of Roosevelt, nor would it be subscribed to by any of the scholars, who, for a generation, have been building up, little by little, the history of the west. The influence of the trapper and the pioneer, their struggles with the Indian and the policy of the national government toward the red man, the reaching out of the settlers for new lands, their great migrations, the development of ranches, mines, and cities, the evolution of the national land system, the building of the trans-continental railroads, the development of local, territorial and state institutions, these are a few of the vital factors which have wholly escaped treatment by Professor McElroy or have received but scant notice. The author's conception also makes it unnecessary for him to examine the twenty-year period from 1809, where Roosevelt dropped the story, to 1829 where *The Winning of the Far West* begins, the period incidentally of the great migration into Missouri, Arkansas, Louisiana, and Texas, without which the winning of the far west might never have been achieved.

Within his field of diplomacy and war, the author has not done an entirely bad piece of work. The discussion of the Oregon question is reasonably well done and the account of the military operations in the Mexican War, although at times rather highly colored, is an entertaining presentation, in nowise to be compared in treatment, however, with the work of Rives. In regard to the dealings of the United States and Mexico, the history of Texas and the English policy toward it and California, the author appears to have made no use of most of the literature of his subject. The

account of war and diplomacy smacks of the patriotic, due probably to the fact that the author confined himself (as would appear from the footnotes, a bibliography being lacking) to American materials.

In regard to the sources upon which the book is based, the author has cited but a small part of the pertinent documentary materials which are accessible in this country, and has cited none from foreign archives, unless we except the Texan Diplomatic Correspondence. Of the secondary literature which has appeared in monographic form, in historical journals and proceedings of state and local societies and associations, he appears to have made practically no use. The reviewer failed to find reference to the writings of E. D. Adams, Cox, Reeves, Schafer, Meany, Chittenden, Bolton, Hodder, Ficklen, Winkler, Barker, Paxson, Shambaugh, Libby, Turner, Reynolds, and many others who are laying a foundation for the history of the West. In the chapter on "The Annexation of Texas," Justin H. Smith's important book fails of citation. The journal in which this review is printed, although now in its eighteenth year, and dealing exclusively with the field covered by this volume, appears to have escaped notice. In the opinion of the reviewer, the preparation of a history of the winning of the far west should involve an exploration of foreign, national, state and local archives, and an examination of all the secondary literature on the subject.

THOMAS MAITLAND MARSHALL.

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*The True Ulysses S. Grant.* By Charles King, Brigadier-General U. S. A. (Philadelphia and London: J. B. Lippincott Company, 1914. Pp. 400. \$2.00.)

In certain very important respects General King's contribution to the series of "True" biographies is a very decided success. It is unusually well written, and it is an excellent portrayal of the fundamental qualities of Grant's mind and character and of their reaction to the varied environment of his career.

About one-third of the book is devoted to Grant's life prior to the outbreak of the Civil War. Of this portion a large share is devoted to conditions at West Point during Grant's cadetship and to the Mexican War. His latest biographer succeeds in showing that in Mexico Grant made a record as a remarkably efficient quar-

termaster and a heady fighter, displaying something of the qualities that carried him through the Civil War. General King's account of Grant's leaving the army in 1854 is not a flat denial of the generally accepted story of intemperance but it is calculated to throw some doubt on that theory without offering adequate evidence for any other. The seven lean years spent in civil life are disposed of in eight pages. When we consider the humiliation of those years and when we take note of his relatives, much of what seemed inexplicable in one of Grant's simple probity becomes more comprehensible. Old Jesse Grant, the father, hard-headed, contriving, disputatious and indiscreet; the younger brothers snubbing the elder in his days of adversity and eagerly scheming for favorable contracts or office in times of fame and prosperity; and lastly the wife, Julia Dent, commonplace and eager for social triumph, the perfect type of snobbish mediocrity suddenly elevated to high place, yet one to whom Grant was sincerely devoted—it is not altogether an edifying family group, but it does furnish an excellent foil for the finer qualities observable in Grant, and it may explain some of his faults.

About half of the volume is given to the Civil War. Of this the best part is the account of Grant's rise to command in the West, a well told story of struggle against obstacles compounded of prejudice, jealousy, and politics. Here, too, we get a good picture of the western army and of the group of Grant's associates in arms. There is given but brief explanation of the strategy of these campaigns, while the account of Grant's campaigns in Virginia is even more unsatisfactory. And here it is necessary to call attention to General King's habit of lauding his hero on every possible occasion, a performance which he seems to regard as a biographical duty; but it is a habit which finally grows tiresome to the reader, especially when it seems unwarranted by the facts. This accounts for his failure properly to characterize Grant's treatment of George H. Thomas; and it may explain his ready assumption that Grant was the superior in generalship of Lee (p. 321). It is not worth while to be captious on this point, but it may be pardonable to call attention to the fact that the foremost of military critics do not seem to agree in this particular with General King, though they all join in praise of Grant's clear-sighted comprehension of military problems, his capacity for instant decision

and action, and his ability to make the most of his resources and to follow out his plans unflinchingly.

Grant's career in politics is entered upon with evident reluctance but with a determination quite as evident that no fault shall be found with the hero. This must have been the least congenial part of the biographer's task, as it is the shortest and least satisfactory part of the book. It is hardly in keeping with what we know of both Grant and Andrew Johnson to refer contemptuously to the latter as "an intemperate and ill-balanced politician" who emerged "from the obscurity of a hotel bedroom to the White House" (p. 328). It is certain that the tenure of office act was not passed for the "very purpose" of keeping Stanton in office (p. 338). And the slurs at Hancock and the reference to Johnson's removal of Sheridan from New Orleans in 1867 (p. 342) are surprising in view of the actual facts. Nor does General King seem aware that the buzzing of the presidential bee was real music in the unmusical ears of Grant, or that Grant was pitifully unfit for the high political office to which he now aspired. Grant's numerous political blunders are passed over; his obtuseness to the moral question involved in the acceptance of certain gifts is almost admitted, but is blamed largely upon Mrs. Grant where no doubt it in part belongs.

The evident purpose of this volume is not to explain in detail the achievements, military or political, of its subject, but to present Grant as a real human being, silent, simple, sincere, pure-minded, generous to friends and magnanimous to foes. This part of his task General King has done very well.

It may be added that the volume, like the others of the series, is typographically well made up and that it has a fair index.

CHAS. W. RAMSDELL.

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In the *Dallas News* of March 7, 14, 21, and 28, 1915, Mr. Tom Finty, Jr., runs an interesting article in which he incorporates a number of letters from General Sam Houston to Miss Anna Raguet of Nacogdoches, written during Houston's first term as President of Texas. Though primarily of a social character, the letters furnish some important sidelights upon political questions. The orig-

inals are now in the possession of Mr. James R. Irion, of Dallas, a son of the lady to whom they were written.

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*A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, by Thomas Maitland Marshall has been issued by the University of California Press. It is an excellent study of the Texas-Louisiana frontier for this period. A more extended notice will appear in the next number of *THE QUARTERLY*.

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*Texas in the Middle Eighteenth Century*, by Professor H. E. Bolton, is announced for early publication by the University of California Press.

## NEWS ITEMS

The Mississippi Valley Historial Association will hold its annual meeting at New Orleans, April 21-22.

Miss Elizabeth H. West, since 1912 archivist in the Texas State Library, recently resigned to become Librarian of the Carnegie Library of San Antonio.

Dr. George C. Rankin, editor of *The Texas Christian Advocate*, died at Dallas, February 2, 1915. He was born in Tennessee, November 19, 1849.

Judge T. S. Reese died at College Station, Texas, February 10, 1915. He was born at Selma, Alabama, February 2, 1844, and removed to Texas in 1868. He had served the State as District Judge, as Assistant Attorney General, and as Associate Justice of the First Supreme Judicial District Court of Civil Appeals. This last position he had held for ten years prior to his death.

Judge Yancey Lewis died suddenly at his home in Dallas, March 10, 1915. He was born near Gonzales, Texas, in 1861, was a graduate of Emory and Henry College and of the Law Department of the University of Texas, and for some years, in maturer life, was Professor of Law and Dean of that Department. During Cleveland's second administration he was Judge of the Federal Court of the Central District of Indian Territory.

## AFFAIRS OF THE ASSOCIATION

## ANNUAL MEETING

The annual business meeting of the Texas State Historical Association was held at the University of Texas, March 2, 1915. Twenty-seven members and one life member were elected. Dr. William R. Manning of the University of Texas, Dr. Alex Dienst of Temple, Dr. Thomas Maitland Marshall of Alameda, California, and Miss Adina de Zavala of San Antonio, were elected Fellows. Professor H. E. Bolton, Mr. E. W. Winkler, and Judge Z. T. Fulmore were elected to the publication committee. For the ensuing year the following officers were elected: President, Mrs. Adele B. Looscan of Houston; Secretary-Treasurer, Professor Chas. W. Ramsdell; and Vice-Presidents, Colonel Geo. W. Brackenridge of San Antonio, Mr. R. C. Crane of Sweetwater, Miss Katie Daffan of Austin, and Mrs. Cornelia Branch Stone of Galveston. Dr. Ethel Z. Rather was elected to the Executive Council from the Fellows for the term ending 1920 and Mrs. J. A. Jackson was elected from the members. The Treasurer made the financial report which appears below:

## TREASURER'S REPORT FOR THE YEAR ENDING MARCH 1, 1915

<i>Receipts</i>		
	1915	1914
By membership dues .....	\$1282 00	\$1449 45
By sale of QUARTERLY .....	77 26	127 37
By sale of bindings.....	3 00	7 55
By miscellaneous items .....	30 10	2 45
By life memberships .....	26 00	120 00
By interest .....	110 00	147 45
	<hr/>	<hr/>
Total receipts .....	\$1528 36	\$1854 27
Deficit .....	353 98	.....
	<hr/>	<hr/>
	\$1882 34	\$1854 27

*Expenditures*

To printing QUARTERLY .....	\$1341 09	\$1052 43
To binding QUARTERLY .....	19 00	46 93
To clerical expense .....	364 35	442 70
To miscellaneous .....	15 85	78 83
To postage .....	84 20	102 84
To stationery .....	57 85	73 67
	<hr/>	<hr/>
Total expenditures .....	\$1882 34	\$1797 40
Net profit .....		56 87
	<hr/>	<hr/>
	\$1882 34	\$1854 27

CHAS. W. RAMSDELL, Treasurer.  
H. Y. BENEDICT, Auditor.

March 1, 1915.

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